

Calendar No. 103109TH CONGRESS
1ST SESSION**S. 1043**

To authorize appropriations for fiscal year 2006 for military activities of the Department of Defense, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes.

IN THE SENATE OF THE UNITED STATES

MAY 17, 2005

Mr. WARNER, from the Committee on Armed Forces, reported the following original bill; which was read twice and placed on the calendar

A BILL

To authorize appropriations for fiscal year 2006 for military activities of the Department of Defense, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Department of Defense
5 Authorization Act for Fiscal Year 2006”.

1 SEC. 2. TABLE OF CONTENTS.

2 The table of contents for this Act is as follows:

- Sec. 1. Short title.
- Sec. 2. Table of contents.
- Sec. 3. Congressional defense committees defined.

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- Sec. 103. Air Force.
- Sec. 104. Defense-wide activities.

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- Sec. 112. Multiyear procurement authority for modernized target acquisition designation/pilot night vision sensors for AH-64D Apache attack helicopters.
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- Sec. 121. Prohibition on acquisition of next generation destroyer (DD(X)) through a single naval shipyard.
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- Sec. 133. Use of Tanker Replacement Transfer Fund for modernization of aerial refueling tankers.
- Sec. 134. Prohibition on retirement of F-117 aircraft.
- Sec. 135. Prohibition on retirement of C-130E/H tactical airlift aircraft.
- Sec. 136. Procurement of C-130J/KC-130J aircraft after fiscal year 2005.
- Sec. 137. Aircraft for performance of aeromedical evacuations.

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- Sec. 151. Advanced SEAL Delivery System.

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- Sec. 201. Authorization of appropriations.
- Sec. 202. Amount for science and technology.

**Subtitle B—Program Requirements, Restrictions, and
Limitations**

- Sec. 211. Contract for the procurement of the Future Combat System (FCS).
Sec. 212. Joint field experiment on stability and support operations.

Subtitle C—Missile Defense Programs

- Sec. 221. One-year extension of Comptroller General assessments of ballistic missile defense programs.
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- Sec. 231. Research and development.
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- Sec. 241. Expansion of eligibility for leadership of Department of Defense Test Resource Management Center.
Sec. 242. Technology transition.
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- Sec. 311. Elimination and simplification of certain items required in the annual report on environmental quality programs and other environmental activities.
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- Sec. 1061. Safe delivery of mail in the military mail system.
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- Sec. 1409. Iraq Freedom Fund.
- Sec. 1410. Transfer authority.

1 **SEC. 3. CONGRESSIONAL DEFENSE COMMITTEES DEFINED.**

2 For purposes of this Act, the term “congressional de-
3 fense committees” has the meaning given that term in sec-
4 tion 101(a)(16) of title 10, United States Code.

5 **TITLE I—PROCUREMENT**
6 **Subtitle A—Authorization of**
7 **Appropriations**

8 **SEC. 101. ARMY.**

9 Funds are hereby authorized to be appropriated for
10 fiscal year 2006 for procurement for the Army as follows:

11 (1) For aircraft, \$2,800,880,000.

12 (2) For missiles, \$1,265,850,000.

13 (3) For weapons and tracked combat vehicles,
14 \$1,692,549,000.

15 (4) For ammunition, \$1,831,672,000.

16 (5) For other procurement, \$4,339,434,000.

17 **SEC. 102. NAVY AND MARINE CORPS.**

18 (a) NAVY.—Funds are hereby authorized to be appro-
19 priated for fiscal year 2006 for procurement for the Navy
20 as follows:

21 (1) For aircraft, \$9,946,926,000.

22 (2) For weapons, including missiles and tor-
23 pedoes, \$2,749,441,000.

24 (3) For shipbuilding and conversion,
25 \$9,057,865,000.

26 (4) For other procurement, \$5,596,218,000.

1 (b) MARINE CORPS.—Funds are hereby authorized to
2 be appropriated for fiscal year 2006 for procurement for
3 the Marine Corps in the amount of \$1,386,705,000.

4 (c) NAVY AND MARINE CORPS AMMUNITION.—Funds
5 are hereby authorized to be appropriated for fiscal year
6 2006 for procurement of ammunition for the Navy and
7 the Marine Corps in the amount of \$892,849,000.

8 **SEC. 103. AIR FORCE.**

9 Funds are hereby authorized to be appropriated for
10 fiscal year 2006 for procurement for the Air Force as fol-
11 lows:

12 (1) For aircraft, \$13,212,633,000.

13 (2) For missiles, \$5,500,287,000.

14 (3) For ammunition, \$1,031,207,000.

15 (4) For other procurement, \$14,027,889,000.

16 **SEC. 104. DEFENSE-WIDE ACTIVITIES.**

17 Funds are hereby authorized to be appropriated for
18 fiscal year 2006 for Defense-wide procurement in the
19 amount of \$2,784,832,000.

20 **Subtitle B—Army Programs**

21 **SEC. 111. MULTIYEAR PROCUREMENT AUTHORITY FOR AH-**
22 **64D APACHE ATTACK HELICOPTER BLOCK II**
23 **CONVERSIONS.**

24 Beginning with the fiscal year 2006 program year,
25 the Secretary of the Army may, in accordance with section

1 2306b of title 10, United States Code, enter into one or
2 more multiyear contracts for procurement of AH-64D
3 Apache attack helicopter block II conversions.

4 **SEC. 112. MULTIYEAR PROCUREMENT AUTHORITY FOR**
5 **MODERNIZED TARGET ACQUISITION DES-**
6 **IGNATION/PILOT NIGHT VISION SENSORS**
7 **FOR AH-64D APACHE ATTACK HELICOPTERS.**

8 Beginning with the fiscal year 2006 program year,
9 the Secretary of the Army may, in accordance with section
10 2306b of title 10, United States Code, enter into one or
11 more multiyear contracts for procurement of modernized
12 target acquisition designation/pilot night vision sensors for
13 AH-64D Apache attack helicopters.

14 **SEC. 113. MULTIYEAR PROCUREMENT AUTHORITY FOR**
15 **UTILITY HELICOPTERS.**

16 (a) UH-60M BLACK HAWK HELICOPTERS.—Begin-
17 ning with the fiscal year 2006 program year, the Secretary
18 of the Army may, in accordance with section 2306b of title
19 10, United States Code, enter into one or more multiyear
20 contracts for the procurement of UH-60M Black Hawk
21 helicopters.

22 (b) MH-60S SEAHAWK HELICOPTERS.—Beginning
23 with the fiscal year 2007 program year, the Secretary of
24 the Army, acting as executive agent for the Department
25 of the Navy, may, in accordance with section 2306b of

1 title 10, United States Code, enter into one or more
2 multiyear contracts for the procurement of MH-60S
3 Seahawk helicopters.

4 **Subtitle C—Navy Programs**

5 **SEC. 121. PROHIBITION ON ACQUISITION OF NEXT GENERA-** 6 **TION DESTROYER (DD(X)) THROUGH A SIN-** 7 **GLE NAVAL SHIPYARD.**

8 (a) PROHIBITION.—Destroyers under the next gen-
9 eration destroyer (DD(X)) program may not be acquired
10 through a winner-take-all acquisition strategy.

11 (b) PROHIBITION ON USE OF FUNDS.—No funds au-
12 thorized to be appropriated by this Act, or any other Act,
13 may be obligated or expended to prepare for, conduct, or
14 implement a strategy for the acquisition of destroyers
15 under the next generation destroyer program through a
16 winner-take-all acquisition strategy.

17 (c) WINNER-TAKE-ALL ACQUISITION STRATEGY DE-
18 FINED.—In this section, the term “winner-take-all acquisi-
19 tion strategy”, with respect to the acquisition of destroyers
20 under the next generation destroyer program, means the
21 acquisition (including design and construction) of such de-
22 stroyers through a single shipyard.

1 **SEC. 122. SPLIT FUNDING AUTHORIZATION FOR CVN-78**
2 **AIRCRAFT CARRIER.**

3 (a) **AUTHORITY TO USE SPLIT FUNDING.**—The Sec-
4 retary of the Navy is authorized to fund the detail design
5 and construction of the aircraft carrier designated CVN-
6 78 using split funding in the Shipbuilding and Conversion,
7 Navy account in fiscal years 2007, 2008, 2009, and 2010.

8 (b) **CONDITION FOR OUT-YEAR CONTRACT PAY-**
9 **MENTS.**—A contract entered into for the detail design and
10 construction of the aircraft carrier designated CVN-78
11 shall provide that any obligation of the United States to
12 make a payment under the contract for a fiscal year after
13 fiscal year 2006 is subject to the availability of appropria-
14 tions for such fiscal year.

15 **SEC. 123. LHA REPLACEMENT (LHA(R)) SHIP.**

16 (a) **AMOUNT AUTHORIZED FROM SCN ACCOUNT FOR**
17 **FISCAL YEAR 2006.**—Of the amount authorized to be ap-
18 propriated by section 102(a)(3) for fiscal year 2006 for
19 shipbuilding and conversion, Navy, \$325,447,000 shall be
20 available for design, advance procurement, and advance
21 construction with respect to the LHA Replacement
22 (LHA(R)) ship.

23 (b) **AMOUNTS AUTHORIZED FROM SCN ACCOUNT**
24 **FOR FISCAL YEARS 2007 AND 2008.**—Amounts author-
25 ized to be appropriated for fiscal years 2007 and 2008
26 for shipbuilding and conversion, Navy, shall be available

1 for construction with respect to the LHA Replacement
2 ship.

3 (c) CONTRACT AUTHORITY.—

4 (1) DESIGN, ADVANCE PROCUREMENT, AND AD-
5 VANCE CONSTRUCTION.—The Secretary of the Navy
6 may enter into a contract during fiscal year 2006
7 for design, advance procurement, and advance con-
8 struction with respect to the LHA Replacement ship.

9 (2) DETAIL DESIGN AND CONSTRUCTION.—The
10 Secretary may enter into a contract during fiscal
11 year 2007 for the detail design and construction of
12 the LHA Replacement ship.

13 (d) CONDITION FOR OUT-YEAR CONTRACT PAY-
14 MENTS.—A contract entered into under subsection (c)
15 shall provide that any obligation of the United States to
16 make a payment under the contract for a fiscal year after
17 fiscal year 2006 is subject to the availability of appropria-
18 tions for that purpose for such fiscal year.

19 **SEC. 124. REFUELING AND COMPLEX OVERHAUL OF THE**
20 **U.S.S. CARL VINSON.**

21 (a) AMOUNT AUTHORIZED FROM SCN ACCOUNT.—
22 Of the amount authorized to be appropriated by section
23 102(a)(3) for fiscal year 2006 for shipbuilding and conver-
24 sion, Navy, \$1,493,563,000 shall be available for the com-
25 mencement of the nuclear refueling and complex overhaul

1 of the U.S.S. Carl Vinson (CVN-70). The amount avail-
2 able under the preceding sentence is the first increment
3 in the incremental funding planned for the nuclear refuel-
4 ing and complex overhaul of the U.S.S. Carl Vinson.

5 (b) CONTRACT AUTHORITY.—The Secretary of the
6 Navy may enter into a contract during fiscal year 2006
7 for the nuclear refueling and complex overhaul of the
8 U.S.S. Carl Vinson.

9 (c) CONDITION FOR OUT-YEAR CONTRACT PAY-
10 MENTS.—A contract entered into under subsection (b)
11 shall provide that any obligation of the United States to
12 make a payment under the contract for a fiscal year after
13 fiscal year 2006 is subject to the availability of appropria-
14 tions for that purpose for such fiscal year.

15 **Subtitle D—Air Force Programs**

16 **SEC. 131. MULTIYEAR PROCUREMENT AUTHORITY FOR C-** 17 **17 AIRCRAFT.**

18 (a) MULTIYEAR PROCUREMENT AUTHORIZED.—Be-
19 ginning with the fiscal year 2006 program year, the Sec-
20 retary of the Air Force may exercise the option on the
21 existing multiyear procurement contract for C-17 aircraft
22 in order to enter into a multiyear contract for the procure-
23 ment of up to 42 additional C-17 aircraft. A contract en-
24 tered into under this subsection shall be entered into in

1 accordance with section 2306b of title 10, United States
2 Code.

3 (b) **REQUIRED CERTIFICATION.**—Prior to the exer-
4 cise of the authority in subsection (a), the Secretary of
5 Defense shall certify to the congressional defense commit-
6 tees that the additional airlift capability to be provided
7 by the C-17 aircraft to be procured under that authority
8 is consistent with the results of the Mobility Capabilities
9 Study to be completed in fiscal year 2005.

10 **SEC. 132. PROHIBITION ON RETIREMENT OF KC-135E AIR-**
11 **CRAFT.**

12 The Secretary of the Air Force may not retire any
13 KC-135E aircraft of the Air Force in fiscal year 2006.

14 **SEC. 133. USE OF TANKER REPLACEMENT TRANSFER FUND**
15 **FOR MODERNIZATION OF AERIAL REFUELING**
16 **TANKERS.**

17 In addition to providing funds for a tanker acquisi-
18 tion program as specified in section 8132 of the Depart-
19 ment of Defense Appropriations Act, 2005 (Public Law
20 108-287; 118 Stat, 1001), funds in the Tanker Replace-
21 ment Transfer Fund established by that section may be
22 used for the modernization of existing aerial refueling
23 tankers if the modernization of such tankers is consistent
24 with the results of the analysis of alternatives for meeting
25 the aerial refueling requirements of the Air Force as re-

1 quired by section 134(b) of the National Defense Author-
2 ization Act for Fiscal Year 2004 (Public Law 108-136;
3 117 Stat. 1413).

4 **SEC. 134. PROHIBITION ON RETIREMENT OF F-117 AIR-**
5 **CRAFT.**

6 The Secretary of the Air Force may not retire any
7 F-117 Nighthawk stealth attack aircraft of the Air Force
8 in fiscal year 2006.

9 **SEC. 135. PROHIBITION ON RETIREMENT OF C-130E/H TAC-**
10 **TICAL AIRLIFT AIRCRAFT.**

11 The Secretary of the Air Force may not retire any
12 C-130E/H tactical airlift aircraft of the Air Force in fiscal
13 year 2006.

14 **SEC. 136. PROCUREMENT OF C-130J/KC-130J AIRCRAFT**
15 **AFTER FISCAL YEAR 2005.**

16 Any C-130J/KC-130J aircraft procured after fiscal
17 year 2005 (including C-130J/KC-130J aircraft procured
18 through a multiyear contract continuing in force from a
19 fiscal year before fiscal year 2006) shall be procured
20 through a contract under part 15 of the Federal Acquisi-
21 tion Regulation (FAR), relating to acquisition of items by
22 negotiated contract (48 C.F.R. 15.000 et seq.), rather
23 than through a contract under part 12 of the Federal Ac-
24 quisition Regulation, relating to acquisition of commercial
25 items (48 C.F.R. 12.000 et seq.).

1 **SEC. 137. AIRCRAFT FOR PERFORMANCE OF AEROMEDICAL**
2 **EVACUATIONS.**

3 (a) **REQUIREMENT TO PROCURE.**—The Secretary of
4 the Air Force shall procure aircraft for the purpose of pro-
5 viding aeromedical evacuation services to severely injured
6 or ill personnel.

7 (b) **REQUIRED CAPABILITIES.**—The aircraft pro-
8 cured under subsection (a) shall be capable of providing
9 nonstop aeromedical evacuations across the Atlantic
10 Ocean.

11 (c) **EQUIPPING.**—Any aircraft procured under sub-
12 section (a) shall be equipped with current aeromedical
13 support facilities, including electrical systems, sanitation,
14 temperature controls, pressurization capacity, safe medical
15 storage, equipment and medicines for life support and
16 emergency purposes, food preparation facilities, and such
17 other facilities as the Secretary considers appropriate for
18 the provision of aeromedical evacuation services.

19 (d) **DEDICATED MISSION.**—Each aircraft procured
20 and equipped under this section shall be assigned the dedi-
21 cated mission of providing aeromedical evacuation services
22 as described in subsection (a).

23 (e) **AVAILABILITY OF FUNDS.**—Of the amounts au-
24 thorized to be appropriated by section 103(1) for aircraft
25 procurement for the Air Force, \$200,000,000 shall be

1 available for the procurement and equipping of up to two
2 aircraft under this section.

3 **Subtitle E—Defense-Wide**
4 **Programs**

5 **SEC. 151. ADVANCED SEAL DELIVERY SYSTEM.**

6 (a) **LIMITATION ON AVAILABILITY OF FUNDS FOR**
7 **ADVANCE PROCUREMENT.**—No funds authorized to be ap-
8 propriated by this Act for fiscal year 2006 for advance
9 procurement of components for the Advanced SEAL De-
10 livery System may be obligated or expended for that pur-
11 pose until 30 days after the date on which the Secretary
12 of Defense certifies to the congressional defense commit-
13 tees that the Under Secretary of Defense for Acquisition,
14 Technology, and Logistics has made a favorable milestone
15 C decision regarding the Advanced SEAL Delivery Sys-
16 tem. The certification shall be submitted together with the
17 comprehensive report on the Advanced SEAL Delivery
18 System required by subsection (b).

19 (b) **REPORT.**—As soon as possible after completion
20 of the review of the Advanced SEAL Delivery System by
21 the Defense Acquisition Board, the Secretary shall submit
22 to the congressional defense committees a report that in-
23 cludes the following:

24 (1) The result of the milestone C decision on
25 the Advanced SEAL Delivery System made by the

1 Under Secretary of Defense for Acquisition, Tech-
2 nology, and Logistics.

3 (2) Such recommendations as the Secretary
4 considers appropriate regarding the continuation, re-
5 structuring, or termination of the Advanced SEAL
6 Delivery System program, including recommenda-
7 tions on adjustments to contractual arrangements in
8 connection with the continuation, restructuring, or
9 termination of the program.

10 (3) A detailed summary of the revised cost esti-
11 mate and future cost estimates for the Advanced
12 SEAL Delivery System program, which cost esti-
13 mates shall be validated for purposes of the report
14 by the Cost Analysis and Improvement Group within
15 the Office of the Secretary of Defense.

16 (4) A detailed acquisition strategy for the Ad-
17 vanced SEAL Delivery System, if the Secretary rec-
18 ommends the continuation or restructuring of the
19 Advanced SEAL Delivery System program under
20 paragraph (2).

21 (5) A plan to demonstrate realistic strategies
22 for solving any technical and performance problems
23 identified during the final operational test and eval-
24 uation of the Advanced SEAL Delivery System pro-
25 posed to be conducted during the summer of 2005.

1 (c) COMPTROLLER GENERAL REVIEW.—

2 (1) IN GENERAL.—In order to achieve the pur-
3 poses set forth in paragraph (2), the Comptroller
4 General of the United States shall—

5 (A) review the adequacy of the final oper-
6 ational test and evaluation test plan for the Ad-
7 vanced SEAL Delivery System;

8 (B) review the results of the operational
9 test of the Advanced SEAL Delivery System;
10 and

11 (C) update the March 2003 Comptroller
12 General report entitled Defense Acquisition, Ad-
13 vanced SEAL Delivery System Program Needs
14 Increased Oversight (GAO-03-442).

15 (2) PURPOSES.—The purposes of the review
16 and update under paragraph (1) are as follows:

17 (A) To examine the progress made toward
18 meeting operational requirements and technical
19 challenges with respect to the Advanced SEAL
20 Delivery System.

21 (B) To assess the capacity of the Advanced
22 SEAL Delivery System program to meet sched-
23 ule and cost projections for that program.

24 (C) To identify and evaluation any remain-
25 ing factors that may contribute to potential fu-

1 ture problems for the Advanced SEAL Delivery
2 System program.

3 (3) REPORT.—The Comptroller General shall
4 submit to the congressional defense committees a re-
5 port on the activities of the Comptroller General
6 under paragraph (1) not later than February 1,
7 2006.

8 **TITLE II—RESEARCH, DEVELOP-**
9 **MENT, TEST, AND EVALUA-**
10 **TION**

11 **Subtitle A—Authorization of**
12 **Appropriations**

13 **SEC. 201. AUTHORIZATION OF APPROPRIATIONS.**

14 Funds are hereby authorized to be appropriated for
15 fiscal year 2006 for the use of the Department of Defense
16 for research, development, test, and evaluation as follows:

17 (1) For the Army, \$9,716,824,000.

18 (2) For the Navy, \$18,398,091,000.

19 (3) For the Air Force, \$22,636,568,000.

20 (4) For Defense-wide activities,
21 \$18,843,296,000, of which \$168,458,000 is author-
22 ized for the Director of Operational Test and Eval-
23 uation.

1 **SEC. 202. AMOUNT FOR SCIENCE AND TECHNOLOGY.**

2 (a) AMOUNT FOR PROJECTS.—Of the total amount
3 authorized to be appropriated by section 201,
4 \$10,924,401,000 shall be available for science and tech-
5 nology projects.

6 (b) SCIENCE AND TECHNOLOGY DEFINED.—In this
7 section, the term “science and technology project” means
8 work funded in program elements for defense research, de-
9 velopment, test, and evaluation under Department of De-
10 fense budget activities 1, 2, or 3.

11 **Subtitle B—Program Require-**
12 **ments, Restrictions, and Limita-**
13 **tions**

14 **SEC. 211. CONTRACT FOR THE PROCUREMENT OF THE FU-**
15 **TURE COMBAT SYSTEM (FCS).**

16 The Secretary of the Army shall procure the Future
17 Combat System (FCS) through a contract under part 15
18 of the Federal Acquisition Regulation (FAR), relating to
19 acquisition of items by negotiated contract (48 C.F.R.
20 15.000 et seq.), rather than through a transaction under
21 section 2371 of title 10, United States Code.

22 **SEC. 212. JOINT FIELD EXPERIMENT ON STABILITY AND**
23 **SUPPORT OPERATIONS.**

24 (a) JOINT FIELD EXPERIMENT REQUIRED.—The
25 Secretary of Defense shall, in fiscal year 2006, carry out

1 a joint field experiment to address matters relating to sta-
2 bility and support operations.

3 (b) PURPOSES.—The purposes of the joint field ex-
4 periment under subsection (a) are as follows:

5 (1) To explore critical challenges associated
6 with the planning and execution of military and sup-
7 port activities required in the post-conflict environ-
8 ment following major combat activities.

9 (2) To facilitate the development of rec-
10 ommendations for appropriate policy, doctrine, train-
11 ing infrastructure, and organizational structures to
12 best facilitate the conduct of effective stability and
13 support operations in such an environment.

14 (c) PARTICIPATING ELEMENTS AND FORCES.—

15 (1) IN GENERAL.—The joint field experiment
16 under subsection (a) shall involve—

17 (A) elements of the Army, the Marine
18 Corps, and the Special Operations Command
19 selected by the Secretary for purposes of the
20 field experiment;

21 (B) representatives of policy elements with-
22 in the Department selected by the Secretary for
23 such purposes; and

1 (C) any other forces or elements of the De-
2 partment that the Secretary considers appro-
3 priate for such purposes.

4 (2) ADDITIONAL ELEMENTS.—The Secretary
5 shall also invite the participation in the field experi-
6 ment of appropriate elements of other departments
7 and agencies of the United States Government, and
8 of such elements and forces of coalition nations, as
9 the Secretary considers appropriate for purposes of
10 the field experiment.

11 (d) REPORT.—Not later than January 31, 2007, the
12 Secretary shall submit to the congressional defense com-
13 mittees a report on the joint field experiment under sub-
14 section (a). The report shall include—

15 (1) a description of the field experiment;

16 (2) the findings of the Secretary as a result of
17 the field experiment; and

18 (3) such recommendations, including rec-
19 ommendations for additional legislative or adminis-
20 trative actions and recommendations on funding re-
21 quired to implement such actions, as the Secretary
22 considers appropriate in light of the field experi-
23 ment.

1 **Subtitle C—Missile Defense**
2 **Programs**

3 **SEC. 221. ONE-YEAR EXTENSION OF COMPTROLLER GEN-**
4 **ERAL ASSESSMENTS OF BALLISTIC MISSILE**
5 **DEFENSE PROGRAMS.**

6 (a) EXTENSION.—Section 232(g) of the National De-
7 fense Authorization Act for Fiscal Year 2002 (10 U.S.C.
8 2431 note) is amended—

9 (1) in paragraph (1), by striking “through
10 2006” and inserting “through 2007”; and

11 (2) in paragraph (2), by striking “through
12 2007” and inserting “through 2008”.

13 (b) MODIFICATION OF SUBMITTAL DATE.—Para-
14 graph (2) of such section is further amended by striking
15 “February 15” and inserting “March 15”.

16 **SEC. 222. FIELDING OF BALLISTIC MISSILE DEFENSE CAPA-**
17 **BILITIES.**

18 (a) AUTHORITY TO USE FUNDS.—Funds referred to
19 in subsection (b) may, upon approval by the Secretary of
20 Defense, be used for the development and fielding of bal-
21 listic missile defense capabilities.

22 (b) COVERED FUNDS.—Funds referred to in this
23 subsection are funds authorized to be appropriated for fis-
24 cal year 2006 or 2007 for research, development, test, and
25 evaluation for the Missile Defense Agency.

1 **SEC. 223. PLANS FOR TEST AND EVALUATION OF OPER-**
2 **ATIONAL CAPABILITY OF THE BALLISTIC MIS-**
3 **SILE DEFENSE SYSTEM.**

4 (a) PLANS REQUIRED.—

5 (1) IN GENERAL.—With respect to block 06,
6 and each subsequent block, of the Ballistic Missile
7 Defense System, the appropriate joint and service
8 operational test and evaluation components of the
9 Department of Defense concerned with such block
10 shall, in coordination with the Missile Defense Agen-
11 cy and subject to the review and approval of the Di-
12 rector of Operational Test and Evaluation, prepare
13 a plan to test, evaluate, and characterize the oper-
14 ational capability of such block.

15 (2) NATURE OF PLANS.—Each plan prepared
16 under this subsection shall be appropriate for the
17 level of technological maturity of the block to be
18 tested.

19 (b) REPORTS ON TEST AND EVALUATION OF
20 BLOCKS.—At the conclusion of the test and evaluation of
21 block 06, and of each subsequent block, of the Ballistic
22 Missile Defense System, the Director of Operational Test
23 and Evaluation shall submit to the Secretary of Defense,
24 and to the congressional defense committees, a report pro-
25 viding—

1 (1) the assessment of the Director as to wheth-
2 er or not such test and evaluation was adequate to
3 evaluate the operational capability of such block; and

4 (2) the characterization of the Director as to
5 the operational effectiveness, suitability, and surviv-
6 ability of such block, as appropriate for the level of
7 technological maturity of the block to be tested.

8 **Subtitle D—High-Performance De-**
9 **fense Manufacturing Tech-**
10 **nology Research and Develop-**
11 **ment**

12 **SEC. 231. RESEARCH AND DEVELOPMENT.**

13 (a) IDENTIFICATION OF ENHANCED PROCESSES AND
14 TECHNOLOGIES.—The Under Secretary of the Defense for
15 Acquisition, Technology, and Logistics shall identify ad-
16 vanced manufacturing processes and technologies whose
17 utilization will achieve significant productivity and effi-
18 ciency gains in the defense manufacturing base.

19 (b) RESEARCH AND DEVELOPMENT.—The Under
20 Secretary shall undertake research and development on
21 processes and technologies identified under subsection (a)
22 that addresses, in particular—

23 (1) innovative manufacturing processes and ad-
24 vanced technologies; and

1 (2) the creation of extended production enter-
2 prises using information technology and new busi-
3 ness models.

4 (c) DEFENSE PRIORITIES.—In undertaking research
5 and development under subsection (b), the Under Sec-
6 retary shall consider defense priorities established in the
7 most current Joint Warfighting Science and Technology
8 Plan.

9 **SEC. 232. TRANSITION OF TRANSFORMATIONAL MANUFAC-**
10 **TURING PROCESSES AND TECHNOLOGIES TO**
11 **THE DEFENSE MANUFACTURING BASE.**

12 (a) ACCELERATION OF TRANSITION FROM SCIENCE
13 AND TECHNOLOGY.—

14 (1) IN GENERAL.—The Under Secretary of De-
15 fense for Acquisition, Technology, and Logistics
16 shall undertake appropriate actions to accelerate the
17 transition of transformational manufacturing tech-
18 nologies and processes (including processes and tech-
19 nologies identified under section 231) from the re-
20 search stage to utilization by manufacturers in the
21 defense manufacturing base.

22 (2) EXECUTION.—The actions undertaken
23 under paragraph (1) shall include a memorandum of
24 understanding among the Director of Defense Re-
25 search and Engineering, other appropriate elements

1 of the Department of Defense, and the Joint De-
2 fense Manufacturing Technology Panel to accelerate
3 the transition of technologies and processes as de-
4 scribed in that paragraph.

5 (b) PROTOTYPES AND TESTBEDS.—

6 (1) IN GENERAL.—The Under Secretary shall,
7 utilizing the Manufacturing Technology Program,
8 undertake the development of prototypes and
9 testbeds to promote the purposes of this section.

10 (2) COORDINATION OF ACTIVITIES.—The Under
11 Secretary shall coordinate activities under this sub-
12 section with activities under the Small Business In-
13 novation Research Program and the Small Business
14 Technology Transfer Program.

15 (c) DEVELOPMENT OF IMPROVEMENT PROCESS.—

16 The Under Secretary shall, in consultation with persons
17 and organizations in the defense manufacturing base, de-
18 velop and implement a program to continuously identify
19 and utilize improvements and innovative processes in ap-
20 propriate defense acquisition programs and by manufac-
21 turers in the defense manufacturing base.

22 (d) DIFFUSION OF ENHANCEMENTS INTO DEFENSE
23 MANUFACTURING BASE.—The Under Secretary shall en-
24 sure the utilization in industry of enhancements in produc-

1 tivity and efficiency identified by reason of activities under
2 this subtitle through the following:

3 (1) Research and development activities under
4 the Manufacturing Technology Program, including
5 the establishment of public-private partnerships.

6 (2) Outreach through the Manufacturing Ex-
7 tension Partnership Program under memoranda of
8 agreement, cooperative programs, and other appro-
9 priate arrangements.

10 (3) Coordination with activities under such
11 other current programs for the dissemination of
12 manufacturing technology as the Under Secretary
13 considers appropriate.

14 (4) Identification of incentives for contractors
15 in the defense manufacturing base to incorporate
16 and utilize manufacturing enhancements in the man-
17 ufacturing activities.

18 **SEC. 233. MANUFACTURING TECHNOLOGY STRATEGIES.**

19 (a) IN GENERAL.—The Under Secretary of Defense
20 for Acquisition, Technology, and Logistics may—

21 (1) identify an area of technology where the de-
22 velopment of an industry-prepared roadmap for new
23 manufacturing and technology processes applicable
24 to defense manufacturing requirements would be
25 beneficial to the Department of Defense; and

1 (2) establish a task force, and act in coopera-
2 tion, with the private sector to map the strategy for
3 the development of manufacturing processes and
4 technologies needed to support technology develop-
5 ment in the area identified under paragraph (1).

6 (b) COMMENCEMENT OF ROADMAPPING.—The Under
7 Secretary shall commence any roadmapping identified
8 pursuant to subsection (a)(1) not later than January
9 2007.

10 **SEC. 234. REPORT.**

11 (a) IN GENERAL.—Not later than December 31,
12 2007, the Under Secretary of the Defense for Acquisition,
13 Technology, and Logistics shall submit to the congres-
14 sional defense committees a report on the actions under-
15 taken by the Under Secretary under this subtitle during
16 fiscal year 2006.

17 (b) ELEMENTS.—The report under subsection (a)
18 shall include—

19 (1) a comprehensive description of the actions
20 undertaken under this subtitle during fiscal year
21 2006;

22 (2) an assessment of effectiveness of such ac-
23 tions in enhancing research and development on
24 manufacturing technologies and processes, and im-

1 plementation of such within the defense manufac-
2 turing base; and

3 (3) such recommendations as the Under Sec-
4 retary considers appropriate for additional actions to
5 be undertaken in order to increase the effectiveness
6 of the actions undertaken under this subtitle in en-
7 hancing manufacturing activities within the defense
8 manufacturing base.

9 **SEC. 235. DEFINITIONS.**

10 In this subtitle:

11 (1) **DEFENSE MANUFACTURING BASE.**—The
12 term “defense manufacturing base” includes any
13 supplier of the Department of Defense, including a
14 supplier of raw materials.

15 (2) **EXTENDED PRODUCTION ENTERPRISE.**—
16 The term “extended production enterprise” means a
17 system in which key entities, including entities en-
18 gaged in product development, manufacturing,
19 sourcing, and user entities, in the manufacturing
20 chain are linked together through information tech-
21 nology and other means to promote efficiency and
22 productivity.

23 (3) **MANUFACTURING EXTENSION PARTNERSHIP**
24 **PROGRAM.**—The term “Manufacturing Extension
25 Partnership Program” means the Manufacturing

1 Extension Partnership Program of the Department
2 of Commerce.

3 (4) MANUFACTURING TECHNOLOGY PRO-
4 GRAM.—The term “Manufacturing Technology Pro-
5 gram” means the Manufacturing Technology Pro-
6 gram under the Director of Defense Research and
7 Engineering under section 2521 of title 10, United
8 States Code.

9 (5) SMALL BUSINESS INNOVATION RESEARCH
10 PROGRAM.—The term “Small Business Innovation
11 Research Program” has the meaning given that
12 term in section 2055(11) of title 10, United States
13 Code.

14 (6) SMALL BUSINESS TECHNOLOGY TRANSFER
15 PROGRAM.—The term “Small Business Technology
16 Transfer Program” has the meaning given that term
17 in section 2500(12) of title 10, United States Code.

18 **Subtitle E—Other Matters**

19 **SEC. 241. EXPANSION OF ELIGIBILITY FOR LEADERSHIP OF** 20 **DEPARTMENT OF DEFENSE TEST RESOURCE** 21 **MANAGEMENT CENTER.**

22 (a) DIRECTOR OF CENTER.—Paragraph (1) of sec-
23 tion 196(b) of title 10, United States Code, is amended
24 by striking “commissioned officers” and all that follows
25 through the end of the sentence and inserting “individuals

1 who have substantial experience in the field of test and
2 evaluation.”.

3 (b) DEPUTY DIRECTOR OF CENTER.—Paragraph (2)
4 of such section is amended by striking “senior civilian offi-
5 cers and employees of the Department of Defense” and
6 inserting “individuals”.

7 **SEC. 242. TECHNOLOGY TRANSITION.**

8 (a) CLARIFICATION OF DUTIES OF TECHNOLOGY
9 TRANSITION COUNCIL.—Paragraph (2) of section
10 2359a(g) of title 10, United States Code, is amended to
11 read as follows:

12 “(2) The duty of the Council shall be to support the
13 Undersecretary of Defense for Acquisition, Technology,
14 and Logistics in the development of policies to facilitate
15 the rapid transition of technologies from science and tech-
16 nology programs of the Department of Defense into acqui-
17 sition programs of the Department.”.

18 (b) REPORT ON TECHNOLOGY TRANSITION.—

19 (1) IN GENERAL.—The Secretary of Defense,
20 working through the Technology Transition Council,
21 shall submit to the congressional defense committees
22 a report on the challenges associated with technology
23 transition from the science and technology programs
24 of the Department of Defense to the acquisition pro-

1 grams of the Department, and a strategy to address
2 such challenges, including—

3 (A) a description of any organizational
4 barriers to technology transition between oper-
5 ations, acquisition, and technology development
6 components of the Department;

7 (B) an assessment of the effect of Depart-
8 ment acquisition regulations on technology
9 transition;

10 (C) a description of the role of technology
11 transition in the planning, programming, and
12 budgeting processes of the Department;

13 (D) a description of any other challenges
14 associated with technology transition in the De-
15 partment that are identified by the Secretary;

16 (E) a Department-wide strategy for pur-
17 suing technology transition; and

18 (F) such recommendations as the Sec-
19 retary considers appropriate for the improve-
20 ment of technology transition and for the elimi-
21 nation of internal barriers within the Depart-
22 ment to technology transition.

23 (2) SUBMITTAL DATE.—The report under para-
24 graph (1) shall be submitted at the same time the
25 budget of the President is submitted to Congress

1 pursuant to section 1105(a) of title 31, United
2 States Code, for fiscal year 2007.

3 **SEC. 243. PREVENTION, MITIGATION, AND TREATMENT OF**
4 **BLAST INJURIES.**

5 (a) DESIGNATION OF EXECUTIVE AGENT.—The Sec-
6 retary of Defense shall designate a senior official of the
7 Department of Defense as the executive agent responsible
8 for coordinating and managing the programs and efforts
9 of the Department of Defense with respect to the preven-
10 tion, mitigation, and treatment of blast injuries.

11 (b) GENERAL RESPONSIBILITY.—The executive
12 agent designated under subsection (a) shall be responsible
13 for ensuring that—

14 (1) the programs and efforts of the Department
15 of Defense on the prevention, mitigation, and treat-
16 ment of blast injuries are adequate to meet require-
17 ments relating to the prevention, mitigation, and
18 treatment of such injuries; and

19 (2) the resources devoted to such programs and
20 efforts facilitate the achievement of the objective
21 specified in paragraph (1).

22 (c) RESEARCH EFFORTS.—The executive agent des-
23 ignated under subsection (a) shall—

24 (1) review and assess the adequacy of current
25 research efforts of the Department of Defense on

1 the prevention, mitigation, and treatment of such in-
2 juries;

3 (2) establish requirements for such research ef-
4 forts in order to enhance and accelerate such re-
5 search efforts; and

6 (3) establish, coordinate, and oversee Depart-
7 ment-wide research efforts on the prevention, mitiga-
8 tion, and treatment of such injuries, including—

9 (A) in the case of blast injury prevention,
10 research on—

11 (i) blast characterization in a variety
12 of environments;

13 (ii) modeling and simulation of safe
14 blast stand-off distances;

15 (iii) detect and defeat capabilities; and

16 (iv) such other matters as such offi-
17 cial considers appropriate;

18 (B) in the case of blast injury mitigation,
19 research on—

20 (i) armor design and materials testing
21 for blast and ballistic protection;

22 (ii) the design of a comprehensive, in-
23 tegrated, flexible armor system which pro-
24 vides blast, ballistic, and fire protection for

1 the head, neck, ears, eyes, torso, and ex-
2 tremities; and

3 (iii) such other matters as such offi-
4 cial considers appropriate; and

5 (C) in the case of blast injury treatment,
6 research on emerging military medical tech-
7 nologies, pharmacological agents, devices, and
8 treatment and rehabilitation techniques.

9 (d) STUDIES.—The executive agent designated under
10 subsection (a) shall conduct studies on the prevention,
11 mitigation, and treatment of blast injuries, including—

12 (1) studies to improve the clinical evaluation
13 and treatment of blast injuries, with an emphasis on
14 traumatic brain injuries and other consequences of
15 blast injury, including acoustic and eye injuries and
16 injuries resulting from over-pressure wave; and

17 (2) studies to develop improved clinical proto-
18 cols by which physicians—

19 (A) can more accurately evaluate trau-
20 matic brain injuries and discriminate between
21 traumatic brain injuries and post traumatic
22 stress disorder (including improved diagnostic
23 and cognitive measures);

1 (B) can identify members of the Armed
2 Forces who may have both traumatic brain in-
3 jury and post traumatic stress disorder; and

4 (C) can develop integrated treatment ap-
5 proaches for servicemembers who have both
6 traumatic brain injuries and post traumatic
7 stress disorder and other multiple injuries.

8 (e) PILOT PROJECTS.—The executive agent des-
9 ignated under subsection (a) shall commence in fiscal year
10 2006 not less than three pilot projects on the prevention,
11 mitigation, and treatment of blast injuries, including pilot
12 projects—

13 (1) to study the incidence in returning soldiers
14 of traumatic brain injuries attributable to blast inju-
15 ries;

16 (2) to develop protocols for medical tracking of
17 members of the Armed Forces for up to five years
18 following blast injuries; and

19 (3) to refine and improve educational interven-
20 tions for blast injury survivors and their families.

21 (f) TRAINING PROGRAM.—The executive agent des-
22 ignated under subsection (a) shall establish a training pro-
23 gram for medical and non-medical personnel on the pre-
24 vention, mitigation, and treatment of blast injuries which
25 program shall be intended to improve field and clinical

1 training on early identification of blast injury con-
2 sequences, both seen and unseen, including traumatic
3 brain injuries, acoustic injuries, and internal injuries.

4 (g) TREATMENT PROGRAM.—The executive agent
5 designated under subsection (a) shall conduct a treatment
6 program intended to enhance the evaluation and care of
7 members of the Armed Forces with traumatic brain inju-
8 ries in medical facilities in the United States and in de-
9 ployed medical facilities.

10 (h) ANNUAL REPORTS ON BLAST INJURY MAT-
11 TERS.—

12 (1) REPORTS REQUIRED.—Not later than Feb-
13 ruary 15, 2006, and annually thereafter through
14 2010, the Secretary of Defense shall submit to the
15 congressional defense committees a report on the ef-
16 forts of the Department of Defense to prevent, miti-
17 gate, and treat blast injuries.

18 (2) ELEMENTS.—Each report under paragraph
19 (1) shall include the following:

20 (A) A description of the activities under-
21 taken under this section during the year pre-
22 ceding the report to improve the prevention,
23 mitigation, and treatment of blast injuries.

24 (B) A consolidated budget presentation for
25 the programs and activities of the Department

1 of Defense during the fiscal year beginning in
2 the year of the report for the prevention, miti-
3 gation, and treatment of blast injuries.

4 (C) A description of any gaps in the capa-
5 bilities of the Department under its programs
6 and activities for the prevention, mitigation,
7 and treatment of blast injuries, and a descrip-
8 tion of any plans or projects to address such
9 gaps.

10 (D) A description of collaboration, if any,
11 with other departments and agencies of the
12 Federal Government, and with other countries,
13 during the year preceding the report in efforts
14 for the prevention, mitigation, and treatment of
15 blast injuries.

16 (E) A description of any efforts during the
17 year preceding the report to disseminate find-
18 ings on the mitigation and treatment of blast
19 injuries through civilian and military research
20 and medical communities.

21 (F) A description of the status of efforts
22 during the year preceding the report to design
23 a comprehensive force protection system that is
24 effective in confronting blast, ballistic, and fire
25 threats.

1 (i) **BLAST INJURIES DEFINED.**—In this section, the
2 term “blast injuries” means injuries that occur as the re-
3 sult of the detonation of high explosives, including vehicle-
4 borne and person-borne explosive devices, rocket-propelled
5 grenades, and improvised explosive devices.

6 **TITLE III—OPERATION AND**
7 **MAINTENANCE**
8 **Subtitle A—Authorization of**
9 **Appropriations**

10 **SEC. 301. OPERATION AND MAINTENANCE FUNDING.**

11 Funds are hereby authorized to be appropriated for
12 fiscal year 2006 for the use of the Armed Forces and other
13 activities and agencies of the Department of Defense for
14 expenses, not otherwise provided for, for operation and
15 maintenance, in amounts as follows:

16 (1) For the Army, \$24,951,460,000.

17 (2) For the Navy, \$30,547,489,000.

18 (3) For the Marine Corps, \$3,842,026,000.

19 (4) For the Air Force, \$31,425,919,000.

20 (5) For Defense-wide activities,
21 \$18,584,469,000.

22 (6) For the Army Reserve, \$1,989,382,000.

23 (7) For the Naval Reserve, \$1,245,695,000.

24 (8) For the Marine Corps Reserve,
25 \$199,934,000.

1 (9) For the Air Force Reserve, \$2,559,686,000.

2 (10) For the Army National Guard,
3 \$4,528,019,000.

4 (11) For the Air National Guard,
5 \$4,772,991,000.

6 (12) For the United States Court of Appeals
7 for the Armed Forces, \$11,236,000.

8 (13) For Environmental Restoration, Army,
9 \$407,865,000.

10 (14) For Environmental Restoration, Navy,
11 \$305,275,000.

12 (15) For Environmental Restoration, Air Force,
13 \$406,461,000.

14 (16) For Environmental Restoration, Defense-
15 wide, \$28,167,000.

16 (17) For Environmental Restoration, Formerly
17 Used Defense Sites, \$261,921,000.

18 (18) For Overseas Humanitarian, Disaster, and
19 Civic Aid programs, \$61,546,000.

20 (19) For Cooperative Threat Reduction pro-
21 grams, \$415,549,000.

22 (20) For the Overseas Contingency Operations
23 Transfer Fund, \$20,000,000.

1 **SEC. 302. WORKING CAPITAL FUNDS.**

2 Funds are hereby authorized to be appropriated for
3 fiscal year 2006 for the use of the Armed Forces and other
4 activities and agencies of the Department of Defense for
5 providing capital for working capital and revolving funds
6 in amounts as follows:

7 (1) For the Defense Working Capital Funds,
8 \$1,471,340,000.

9 (2) For the National Defense Sealift Fund,
10 \$1,011,304,000.

11 **SEC. 303. OTHER DEPARTMENT OF DEFENSE PROGRAMS.**

12 (a) **DEFENSE HEALTH PROGRAM.**—Funds are here-
13 by authorized to be appropriated for the Department of
14 Defense for fiscal year 2006 for expenses, not otherwise
15 provided for, for the Defense Health Program,
16 \$19,900,812,000, of which—

17 (1) \$19,351,337,000 is for Operation and
18 Maintenance;

19 (2) \$174,156,000 is for Research, Development,
20 Test, and Evaluation; and

21 (3) \$375,319,000 is for Procurement.

22 (b) **CHEMICAL AGENTS AND MUNITIONS DESTRUC-**
23 **TION, DEFENSE.**—(1) Funds are hereby authorized to be
24 appropriated for the Department of Defense for fiscal year
25 2006 for expenses, not otherwise provided for, for Chem-

1 ical Agents and Munitions Destruction, Defense,
2 \$1,425,827,000, of which—

3 (A) \$1,241,514,000 is for Operation and Main-
4 tenance;

5 (B) \$67,786,000 is for Research, Development,
6 Test, and Evaluation; and

7 (C) \$116,527,000 is for Procurement.

8 (2) Amounts authorized to be appropriated under
9 paragraph (1) are authorized for—

10 (A) the destruction of lethal chemical agents
11 and munitions in accordance with section 1412 of
12 the Department of Defense Authorization Act, 1986
13 (50 U.S.C. 1521); and

14 (B) the destruction of chemical warfare mate-
15 rial of the United States that is not covered by sec-
16 tion 1412 of such Act.

17 (c) DRUG INTERDICTION AND COUNTER-DRUG AC-
18 TIVITIES, DEFENSE-WIDE.—Funds are hereby authorized
19 to be appropriated for the Department of Defense for fis-
20 cal year 2006 for expenses, not otherwise provided for, for
21 Drug Interdiction and Counter-Drug Activities, Defense-
22 wide, \$895,741,000.

23 (d) DEFENSE INSPECTOR GENERAL.—Funds are
24 hereby authorized to be appropriated for the Department
25 of Defense for fiscal year 2006 for expenses, not otherwise

1 provided for, for the Office of the Inspector General of
2 the Department of Defense, \$209,687,000, of which—

3 (1) \$208,687,000 is for Operation and Mainte-
4 nance; and

5 (2) \$1,000,000 is for Procurement.

6 **Subtitle B—Environmental** 7 **Provisions**

8 **SEC. 311. ELIMINATION AND SIMPLIFICATION OF CERTAIN** 9 **ITEMS REQUIRED IN THE ANNUAL REPORT** 10 **ON ENVIRONMENTAL QUALITY PROGRAMS** 11 **AND OTHER ENVIRONMENTAL ACTIVITIES.**

12 Section 2706(b)(2) of title 10, United States Code,
13 is amended—

14 (1) by striking subparagraphs (D) and (E);

15 (2) by inserting after subparagraph (C) the fol-
16 lowing new subparagraph:

17 “(D) A summary of fines and penalties imposed
18 or assessed against the Department of Defense and
19 the military departments under Federal, State, or
20 local environmental laws during the fiscal year in
21 which the report is submitted and the four preceding
22 fiscal years, which summary shall include—

23 “(i) a trend analysis of such fines and pen-
24 alties for military installations inside and out-
25 side the United States; and

1 “(ii) a list of such fines or penalties that
2 exceeded \$500,000 and the provisions of law
3 under which such fines or penalties were im-
4 posed or assessed.”;

5 (3) by redesignating subparagraph (F) as sub-
6 paragraph (E); and

7 (4) in subparagraph (E), as redesignated by
8 paragraph (3), by striking “and amounts for con-
9 ferences” and all that follows through “such activi-
10 ties”.

11 **SEC. 312. PAYMENT OF CERTAIN PRIVATE CLEANUP COSTS**
12 **IN CONNECTION WITH THE DEFENSE ENVI-**
13 **RONMENTAL RESTORATION PROGRAM.**

14 (a) PAYMENT FOR ACTIVITIES AT FORMER DEFENSE
15 PROPERTY THAT IS SUBJECT TO COVENANT FOR ADDI-
16 TIONAL REMEDIAL ACTION.—Subsection (d) of section
17 2701 of title 10, United States Code, is amended—

18 (1) in paragraph (1)—

19 (A) by striking “paragraph (3)” and in-
20 serting “paragraphs (3) and (4)”;

21 (B) by inserting “any owner of covenant
22 property,” after “tribe,” the first place it ap-
23 pears; and

24 (C) by inserting “owner of covenant prop-
25 erty,” after “tribe,” the second place it appears;

1 (2) by redesignating paragraph (4) as para-
2 graph (5);

3 (3) by inserting after paragraph (3) the fol-
4 lowing new paragraph:

5 “(4) PERFORMANCE OF SERVICES ON COV-
6 ENANT PROPERTY.—An owner of covenant property
7 may not be paid on a reimbursable or other basis for
8 services performed under an agreement under para-
9 graph (1) unless such services are performed on
10 such covenant property.”; and

11 (4) in paragraph (5), as redesignated by para-
12 graph (2), by adding at the end the following new
13 subparagraph:

14 “(C) The term ‘owner of covenant prop-
15 erty’ means an owner of property subject to a
16 covenant provided by the United States in ac-
17 cordance with section 120(h)(3)(A)(ii)(II) of
18 CERCLA (42 U.S.C. 9620(h)(3)(A)(ii)(II)).”.

19 (b) APPLICABLE CLEANUP STANDARDS.—Paragraph
20 (3) of such subsection is further amended—

21 (1) by striking “An agreement” and inserting
22 “(A) An agreement”; and

23 (2) by inserting at the end the following new
24 subparagraph:

1 “(B) An agreement under paragraph (1) may
2 not change the cleanup standards applicable to the
3 site as established by law.”.

4 (c) SOURCE OF FUNDS FOR FORMER BASE CLOSURE
5 AND REALIGNMENT PROPERTY SUBJECT TO COVENANT
6 FOR ADDITIONAL REMEDIAL ACTION.—Section 2703 of
7 such title is amended—

8 (1) in subsection (g)(1), by striking “The sole
9 source” and inserting “Except as provided in sub-
10 section (h), the sole source”; and

11 (2) by adding at the end the following new sub-
12 section:

13 “(h) SOLE SOURCE OF FUNDS FOR CERTAIN ENVI-
14 RONMENTAL REMEDIATION AT BASE REALIGNMENT AND
15 CLOSURE SITES.—In the case of property disposed of pur-
16 suant to a base closure law and subject to a covenant de-
17 scribed in subsection (d)(5)(C) of section 2701 of this
18 title, the sole source of funds for services under subsection
19 (d)(1) of such section shall be the base closure account
20 established under the base closure law under which such
21 property was disposed of.”.

22 **Subtitle C—Other Matters**

23 **SEC. 321. AIRCRAFT CARRIERS.**

24 (a) FUNDING FOR REPAIR AND MAINTENANCE OF
25 U.S.S. JOHN F. KENNEDY.—Of the amounts authorized

1 to be appropriated for operation and maintenance for the
2 Navy by this Act and any other Act for fiscal year 2005
3 and 2006, \$288,000,000 shall be available only for repair
4 and maintenance to extend the life of U.S.S. John F. Ken-
5 nedy.

6 (b) LIMITATION ON REDUCTION IN NUMBER OF AC-
7 TIVE AIRCRAFT CARRIERS.—

8 (1) LIMITATION.—The Secretary of the Navy
9 may not reduce the number of active aircraft car-
10 riers of the Navy below 12 active aircraft carriers
11 until the later of the following:

12 (A) The date that is 180 days after the
13 date of the submittal to Congress of the quad-
14 rennial defense review required in 2005 under
15 section 118 of title 10, United States Code.

16 (B) The date on which the Secretary of
17 Defense, in consultation with the Chairman of
18 the Joint Chiefs of Staff, certifies to the con-
19 gressional defense committees that such agree-
20 ments have been entered into to provide port
21 facilities for the permanent forward deployment
22 of such number of aircraft carriers as is nec-
23 essary in the Pacific Command Area of Respon-
24 sibility to fulfill the roles and missions of that
25 Command, including agreements for the for-

1 ward deployment of a nuclear aircraft carrier
2 after the retirement of the current two conven-
3 tional aircraft carriers.

4 (2) ACTIVE AIRCRAFT CARRIERS.—For pur-
5 poses of this subsection, an active aircraft carrier of
6 the Navy includes an aircraft carrier that is tempo-
7 rarily unavailable for worldwide deployment due to
8 routine or scheduled maintenance.

9 **SEC. 322. LIMITATION ON TRANSITION OF FUNDING FOR**
10 **EAST COAST SHIPYARDS FROM FUNDING**
11 **THROUGH NAVY WORKING CAPITAL FUND TO**
12 **DIRECT FUNDING.**

13 (a) LIMITATION.—The Secretary of the Navy may
14 not convert funding for the shipyards of the Navy on the
15 Eastern Coast of the United States from funding through
16 the working capital fund of the Navy to funding on a di-
17 rect basis (also known as “mission funding”) until the
18 later of—

19 (1) the date that is six months after the date
20 on which the Secretary submits to the congressional
21 defense committees the report required by subsection

22 (b); or

23 (2) October 1, 2006.

24 (b) REPORT ON DIRECT FUNDING FOR PUGET
25 SOUND NAVAL SHIPYARD.—The Secretary shall submit to

1 the congressional defense committees a report that con-
2 tains the assessment of the Secretary on the effects on
3 Puget Sound Naval Shipyard, Washington, of the conver-
4 sion of funding for Puget Sound Naval Shipyard from
5 funding through the working capital fund of the Navy to
6 funding on a direct basis.

7 **SEC. 323. USE OF FUNDS FROM NATIONAL DEFENSE SEA-**
8 **LIFT FUND TO EXERCISE PURCHASE OP-**
9 **TIONS ON MARITIME PREPOSITIONING SHIP**
10 **VESSELS.**

11 (a) USE OF FUNDS.—Notwithstanding the provisions
12 of section 2218(f)(1) of title 10, United States Code, the
13 Secretary of Defense may obligate and expend any funds
14 in the National Defense Sealift Fund to exercise options
15 to purchase three Maritime Prepositioning Ship (MPS)
16 vessels under charter to the Navy as of the date of the
17 enactment of this Act, the contracts for which charters
18 expire in 2009.

19 (b) NATIONAL DEFENSE SEALIFT FUND DE-
20 FINED.—In this section, the term “National Defense Sea-
21 lift Fund” means the National Defense Sealift Fund es-
22 tablished by section 2218 of title 10, United States Code.

23 **SEC. 324. PURCHASE AND DESTRUCTION OF WEAPONS**
24 **OVERSEAS.**

25 (a) AUTHORITY TO USE FUNDS.—

1 apply with respect to funds appropriated or otherwise
2 made available for fiscal years after fiscal year 2005.

3 **SEC. 325. INCREASE IN MAXIMUM CONTRACT AMOUNT FOR**
4 **PROCUREMENT OF SUPPLIES AND SERVICES**
5 **FROM EXCHANGE STORES OUTSIDE THE**
6 **UNITED STATES.**

7 Section 2424(b)(1) of title 10, United States Code,
8 is amended by striking “\$50,000” and inserting
9 “\$100,000”.

10 **SEC. 326. EXTENSION OF AUTHORITY TO PROVIDE LOGIS-**
11 **TICS SUPPORT AND SERVICES FOR WEAPON**
12 **SYSTEMS CONTRACTORS.**

13 Section 365(g)(1) of the Bob Stump National De-
14 fense Authorization Act for Fiscal Year 2003 (Public Law
15 107–314; 116 Stat. 2520; 10 U.S.C. 2302 note) is amend-
16 ed by striking “September 30, 2007” and inserting “Sep-
17 tember 30, 2010”.

18 **SEC. 327. ARMY TRAINING STRATEGY.**

19 (a) TRAINING STRATEGY.—

20 (1) STRATEGY REQUIRED.—The Secretary of
21 the Army shall develop and implement a training
22 strategy to ensure the readiness of brigade-based
23 combat teams and functional supporting brigades.

24 (2) ELEMENTS.—The training strategy shall in-
25 clude the following:

1 (A) A statement of the purpose of training
2 for brigade-based combat teams and supporting
3 brigades.

4 (B) Performance goals for both active and
5 reserve brigade-based combat teams and sup-
6 porting brigades, including goals for live, vir-
7 tual, and constructive training for each compo-
8 nent and brigade type.

9 (C) Metrics to quantify performance
10 against the performance goals specified under
11 subparagraph (B).

12 (D) A process to report the accomplish-
13 ment of collective training by which Army lead-
14 ership can monitor the training performance of
15 brigade-based combat teams and functional
16 supporting brigades.

17 (E) A model to quantify, and to forecast,
18 operation and maintenance funding required to
19 attain training goals.

20 (b) REPORT.—

21 (1) REPORT REQUIRED.—Not later than one
22 year after the date of the enactment of this Act, the
23 Secretary of the Army shall submit to the congres-
24 sional defense committees a report on the require-

1 ments to be fulfilled in order to implement the train-
2 ing strategy developed under subsection (a).

3 (2) ELEMENTS.—The report shall include the
4 following:

5 (A) A discussion of the training strategy
6 developed under subsection (a), including a de-
7 scription of performance goals and metrics de-
8 veloped under that subsection.

9 (B) A discussion and description of the
10 training range requirements necessary to imple-
11 ment the training strategy.

12 (C) A discussion and description of the
13 training aids, devices, simulations and simula-
14 tors necessary to implement the training strat-
15 egy.

16 (D) A list of the funding requirements,
17 itemized by fiscal year and specified in a format
18 consistent with the future-years defense pro-
19 gram to accompany the budget of the President
20 for fiscal year 2007 under section 221 of title
21 10, United States Code, necessary to fulfill the
22 range requirements described in subparagraph
23 (B) and to provide the training aids, devices,
24 simulations, and simulators described in sub-
25 paragraphs (C).

1 (E) A schedule for the implementation of
2 the training strategy.

3 (F) A discussion of the challenges that the
4 Army anticipates in the implementation of the
5 training strategy.

6 (c) COMPTROLLER GENERAL REVIEW OF IMPLEMEN-
7 TATION.—

8 (1) IN GENERAL.—The Comptroller General of
9 the United States shall monitor the implementation
10 of the training strategy developed under subsection
11 (a).

12 (2) REPORT.—Not later than 18 months after
13 the date of the enactment of this Act, the Comp-
14 troller General shall submit to the congressional de-
15 fense committees a report containing the assessment
16 of the Comptroller General of the current progress
17 of the Army in implementing the training strategy.

18 **SEC. 328. LIMITATION ON FINANCIAL MANAGEMENT IM-**
19 **PROVEMENT AND AUDIT INITIATIVES WITHIN**
20 **THE DEPARTMENT OF DEFENSE.**

21 Amounts authorized to be appropriated to the De-
22 partment of Defense for fiscal year 2006 may not be obli-
23 gated or expended for the purposes of financial manage-
24 ment improvement activities relating to the preparation,
25 processing, or auditing of financial statements until the

1 Secretary of Defense prepares and submits to the congress-
2 sional defense committees the following:

3 (1) A comprehensive and integrated financial
4 management improvement plan that—

5 (A) describes specific actions to be taken
6 to correct financial management deficiencies
7 that impair the ability of the Department of
8 Defense to prepare timely, reliable, and com-
9 plete financial management information; and

10 (B) systematically ties such actions to
11 process and control improvements and business
12 systems modernization efforts described in the
13 business enterprise architecture and transition
14 plan required by section 2222 of title 10,
15 United States Code.

16 (2) A written determination that each of the fi-
17 nancial management improvement activities to be
18 undertaken are—

19 (A) consistent with the financial manage-
20 ment improvement plan submitted pursuant to
21 paragraph (1); and

22 (B) likely to improve internal controls or
23 otherwise result in sustained improvements in
24 the ability of the Department to produce timely,

1 reliable, and complete financial management in-
2 formation.

3 **SEC. 329. STUDY ON USE OF ETHANOL FUEL.**

4 (a) **IN GENERAL.**—The Secretary of Defense shall
5 conduct a study on the use of ethanol fuel by the Armed
6 Forces and the Defense Agencies.

7 (b) **ELEMENTS.**—The study shall include—

8 (1) an evaluation of the historical utilization of
9 ethanol fuel by the Armed Forces and the Defense
10 Agencies, including the quantity of ethanol fuel ac-
11 quired by the Department of Defense for the Armed
12 Forces and the Defense Agencies during the 5-year
13 period ending on the date of the report under sub-
14 section (c);

15 (2) a forecast of the requirements of the Armed
16 Forces and the Defense Agencies for ethanol fuel for
17 each of fiscal years 2007 through 2012;

18 (3) an assessment of the current and future
19 commercial availability of ethanol fuel, including fa-
20 cilities for the production, storage, transportation,
21 distribution, and commercial sale of such fuel;

22 (4) an assessment of the utilization by the De-
23 partment of the commercial infrastructure for eth-
24 anol fuel as described in paragraph (3);

1 (5) a review of the actions of the Department
2 to coordinate with State, local, and private entities
3 to support the expansion and use of alternative fuel
4 refueling stations that are accessible to the public;
5 and

6 (6) an assessment of the fueling infrastructure
7 on military installations in the United States, includ-
8 ing storage and distribution facilities, that could be
9 adapted or converted to the delivery of ethanol fuel,
10 including—

11 (A) an assessment of cost of the adapta-
12 tion or conversion of such infrastructure to the
13 delivery of ethanol fuel; and

14 (B) an assessment of the feasibility and
15 advisability of that adaptation or conversion.

16 (c) REPORT.—Not later than February 1, 2006, the
17 Secretary shall submit to the congressional defense com-
18 mittees a report on the study conducted under subsection
19 (a).

20 (d) ETHANOL FUEL DEFINED.—In this section, the
21 term “ethanol fuel” means fuel that is 85 percent ethyl
22 alcohol.

1 **TITLE IV—MILITARY**
2 **PERSONNEL AUTHORIZATIONS**
3 **Subtitle A—Active Forces**

4 **SEC. 401. END STRENGTHS FOR ACTIVE FORCES.**

5 The Armed Forces are authorized strengths for active
6 duty personnel as of September 30, 2006, as follows:

- 7 (1) The Army, 522,400.
8 (2) The Navy, 352,700.
9 (3) The Marine Corps, 178,000.
10 (4) The Air Force, 357,400.

11 **SEC. 402. REVISION OF PERMANENT ACTIVE DUTY END**
12 **STRENGTH MINIMUM LEVELS.**

13 (a) REVISION.—Section 691(b) of title 10, United
14 States Code, is amended by striking paragraphs (1)
15 through (4) and inserting the following:

- 16 “(1) For the Army, 522,400.
17 “(2) For the Navy, 352,700.
18 “(3) For the Marine Corps, 178,000.
19 “(4) For the Air Force, 357,400.”.

20 (b) EFFECTIVE DATE.—The amendment made by
21 subsection (a) shall take effect on October 1, 2005, and
22 shall apply with respect to fiscal years beginning on or
23 after that date.

1 **Subtitle B—Reserve Forces**

2 **SEC. 411. END STRENGTHS FOR SELECTED RESERVE.**

3 (a) IN GENERAL.—The Armed Forces are authorized
4 strengths for Selected Reserve personnel of the reserve
5 components as of September 30, 2006, as follows:

6 (1) The Army National Guard of the United
7 States, 350,000.

8 (2) The Army Reserve, 205,000.

9 (3) The Naval Reserve, 73,100.

10 (4) The Marine Corps Reserve, 39,600.

11 (5) The Air National Guard of the United
12 States, 106,800.

13 (6) The Air Force Reserve, 74,000.

14 (7) The Coast Guard Reserve, 10,000.

15 (b) ADJUSTMENTS.—The end strengths prescribed by
16 subsection (a) for the Selected Reserve of any reserve com-
17 ponent shall be proportionately reduced by—

18 (1) the total authorized strength of units orga-
19 nized to serve as units of the Selected Reserve of
20 such component which are on active duty (other
21 than for training) at the end of the fiscal year; and

22 (2) the total number of individual members not
23 in units organized to serve as units of the Selected
24 Reserve of such component who are on active duty
25 (other than for training or for unsatisfactory partici-

1 pation in training) without their consent at the end
2 of the fiscal year.

3 Whenever such units or such individual members are re-
4 leased from active duty during any fiscal year, the end
5 strength prescribed for such fiscal year for the Selected
6 Reserve of such reserve component shall be proportion-
7 ately increased by the total authorized strengths of such
8 units and by the total number of such individual members.

9 **SEC. 412. END STRENGTHS FOR RESERVES ON ACTIVE**
10 **DUTY IN SUPPORT OF THE RESERVES.**

11 Within the end strengths prescribed in section
12 411(a), the reserve components of the Armed Forces are
13 authorized, as of September 30, 2006, the following num-
14 ber of Reserves to be serving on full-time active duty or
15 full-time duty, in the case of members of the National
16 Guard, for the purpose of organizing, administering, re-
17 cruiting, instructing, or training the reserve components:

18 (1) The Army National Guard of the United
19 States, 27,396.

20 (2) The Army Reserve, 15,270.

21 (3) The Naval Reserve, 13,392.

22 (4) The Marine Corps Reserve, 2,261.

23 (5) The Air National Guard of the United
24 States, 13,123.

25 (6) The Air Force Reserve, 2,290.

1 **SEC. 413. END STRENGTHS FOR MILITARY TECHNICIANS**
2 **(DUAL STATUS).**

3 The minimum number of military technicians (dual
4 status) as of the last day of fiscal year 2006 for the re-
5 serve components of the Army and the Air Force (notwith-
6 standing section 129 of title 10, United States Code) shall
7 be the following:

8 (1) For the Army Reserve, 7,649.

9 (2) For the Army National Guard of the United
10 States, 25,563.

11 (3) For the Air Force Reserve, 9,852

12 (4) For the Air National Guard of the United
13 States, 22,971.

14 **SEC. 414. FISCAL YEAR 2006 LIMITATIONS ON NON-DUAL**
15 **STATUS TECHNICIANS.**

16 (a) LIMITATIONS.—(1) Within the limitation pro-
17 vided in section 10217(c)(2) of title 10, United States
18 Code, the number of non-dual status technicians employed
19 by the National Guard as of September 30, 2006, may
20 not exceed the following:

21 (A) For the Army National Guard of the
22 United States, 1,600.

23 (B) For the Air National Guard of the United
24 States, 350.

1 (2) The number of non-dual status technicians em-
2 ployed by the Army Reserve as of September 30, 2006,
3 may not exceed 695.

4 (3) The number of non-dual status technicians em-
5 ployed by the Air Force Reserve as of September 30,
6 2006, may not exceed 90.

7 (b) NON-DUAL STATUS TECHNICIANS DEFINED.—In
8 this section, the term “non-dual status technician” has the
9 meaning given the term in section 10217(a) of title 10,
10 United States Code.

11 **Subtitle C—Authorizations of**
12 **Appropriations**

13 **SEC. 421. AUTHORIZATION OF APPROPRIATIONS FOR MILI-**
14 **TARY PERSONNEL.**

15 There is hereby authorized to be appropriated to the
16 Department of Defense for military personnel for fiscal
17 year 2006 a total of \$109,179,601,000. The authorization
18 in the preceding sentence supersedes any other authoriza-
19 tion of appropriations (definite or indefinite) for such pur-
20 pose for fiscal year 2006.

21 **SEC. 422. ARMED FORCES RETIREMENT HOME.**

22 There is hereby authorized to be appropriated for fis-
23 cal year 2006 from the Armed Forces Retirement Home
24 Trust Fund the sum of \$58,281,000 for the operation of
25 the Armed Forces Retirement Home.

1 **TITLE V—MILITARY PERSONNEL**
2 **POLICY**
3 **Subtitle A—Officer Personnel**
4 **Policy**

5 **SEC. 501. EXCLUSION OF GENERAL AND FLAG OFFICERS**
6 **ON LEAVE PENDING SEPARATION OR RE-**
7 **TIREMENT FROM COMPUTATION OF ACTIVE**
8 **DUTY OFFICERS FOR GENERAL AND FLAG**
9 **OFFICER DISTRIBUTION AND STRENGTH LIM-**
10 **ITATIONS.**

11 (a) DISTRIBUTION LIMITATIONS.—Section 525 of
12 title 10, United States Code, is amended by adding at the
13 end the following new subsection:

14 “(e) In determining the total number of general offi-
15 cers or flag officers of an armed force on active duty for
16 purposes of this section, an officer of that armed force
17 in the grade of brigadier general or above, or an officer
18 in the grade of rear admiral (lower half) or above in the
19 Navy, who is on leave pending the separation, retirement,
20 or release of such officer from active duty shall not be
21 counted, but only during the 60-day period beginning on
22 the date of the commencement of leave of such officer.”.

23 (b) ACTIVE DUTY STRENGTH LIMITATIONS.—

1 (1) IN GENERAL.—Section 526 of such title is
2 amended by adding at the end the following new
3 subsection:

4 “(e) EXCLUSION OF CERTAIN OFFICERS ON LEAVE
5 PENDING SEPARATION OR RETIREMENT.—The limita-
6 tions of this section do not apply to general or flag officers
7 on leave pending separation, retirement, or release from
8 active duty as described in section 525(e) of this title.”.

9 (2) CONFORMING AMENDMENT.—The heading
10 of subsection (d) of such section is amended by
11 striking “CERTAIN OFFICERS” and inserting “CER-
12 TAIN RESERVE OFFICERS ON ACTIVE DUTY”.

13 **SEC. 502. EXPANSION OF JOINT DUTY ASSIGNMENTS FOR**
14 **RESERVE COMPONENT GENERAL AND FLAG**
15 **OFFICERS.**

16 (a) INCREASE IN AUTHORIZED NUMBER.—Section
17 526(b)(2)(A) of title 10, United States Code, is amended
18 by striking “10” and inserting “11”.

19 (b) ASSIGNMENT TO JOINT STAFF.—Such section is
20 further amended by inserting “, and on the Joint Staff,”
21 after “commands”.

1 **SEC. 503. DEADLINE FOR RECEIPT BY PROMOTION SELEC-**
2 **TION BOARDS OF CORRESPONDENCE FROM**
3 **ELIGIBLE OFFICERS.**

4 (a) OFFICERS ON ACTIVE DUTY LIST.—Section
5 614(b) of title 10, United States Code, is amended by in-
6 serting “the date before” after “not later than”.

7 (b) OFFICERS ON RESERVE ACTIVE-STATUS LIST.—
8 Section 14106 of such title is amended by inserting “the
9 date before” after “not later than”.

10 (c) EFFECTIVE DATE.—The amendments made by
11 this section shall take effect on March 1, 2006, and shall
12 apply with respect to selection boards convened on or after
13 that date.

14 **SEC. 504. FURNISHING TO PROMOTION SELECTION BOARDS**
15 **OF ADVERSE INFORMATION ON OFFICERS EL-**
16 **IGIBLE FOR PROMOTION TO CERTAIN SEN-**
17 **IOR GRADES.**

18 (a) OFFICERS ON ACTIVE-DUTY LIST.—

19 (1) IN GENERAL.—Section 615(a) of title 10,
20 United States Code, is amended—

21 (A) by redesignating paragraphs (3), (4),
22 (5), and (6) as paragraphs (4), (5), (6), and
23 (7), respectively; and

24 (B) by inserting after paragraph (2) the
25 following new paragraph (3):

1 “(3) In the case of an eligible officer considered for
2 promotion to the grade of lieutenant colonel, or com-
3 mander in the case of the Navy, or above, any information
4 of an adverse nature, including any substantiated adverse
5 finding or conclusion from an officially documented inves-
6 tigation or inquiry, shall be furnished to the selection
7 board in accordance with standards and procedures set out
8 in the regulations prescribed by the Secretary of Defense
9 pursuant to paragraph (1).”.

10 (2) CONFORMING AMENDMENTS.—Such section
11 is further amended—

12 (A) in paragraph (4), as redesignated by
13 paragraph (1)(A) of this subsection, by striking
14 “paragraph (2)” and inserting “paragraphs (2)
15 and (3)”;

16 (B) in paragraph (5), as so redesignated,
17 by striking “and (3)” and inserting “, (3), and
18 (4)”;

19 (C) in paragraph (6), as so redesignated—

20 (i) in the matter preceding subpara-
21 graph (A), by inserting “, or in paragraph
22 (3),” after “paragraph (2)”;

23 (ii) in subparagraph (B), by inserting
24 “or (3), as applicable” after “paragraph
25 (2)”;

1 (D) in subparagraph (A) of paragraph (7),
2 as so redesignated, by inserting “or (3)” after
3 “paragraph (2)(B)”.

4 (b) RESERVE OFFICERS.—

5 (1) IN GENERAL.—Section 14107(a) of title 10,
6 United States Code, is amended—

7 (A) by redesignating paragraphs (3), (4),
8 (5), and (6) as paragraphs (4), (5), (6), and
9 (7), respectively; and

10 (B) by inserting after paragraph (2) the
11 following new paragraph (3):

12 “(3) In the case of an eligible officer considered for
13 promotion to the grade of lieutenant colonel, or com-
14 mander in the case of the Navy, or above, any information
15 of an adverse nature, including any substantiated adverse
16 finding or conclusion from an officially documented inves-
17 tigation or inquiry, shall be furnished to the selection
18 board in accordance with standards and procedures set out
19 in the regulations prescribed by the Secretary of Defense
20 pursuant to paragraph (1).”.

21 (2) CONFORMING AMENDMENTS.—Such section
22 is further amended—

23 (A) in paragraph (4), as redesignated by
24 paragraph (1)(A) of this subsection, by striking

1 “paragraph (2)” and inserting “paragraphs (2)
2 and (3)”;

3 (B) in paragraph (5), as so redesignated,
4 by striking “and (3)” and inserting “, (3), and
5 (4)”;

6 (C) in paragraph (6), as so redesignated—

7 (i) in the matter preceding subpara-
8 graph (A), by inserting “, or in paragraph
9 (3),” after “paragraph (2)”; and

10 (ii) in subparagraph (B), by inserting
11 “or (3), as applicable” after “paragraph
12 (2)”; and

13 (D) in subparagraph (A) of paragraph (7),
14 as so redesignated, by inserting “or (3)” after
15 “paragraph (2)(B)”.

16 (c) EFFECTIVE DATE.—The amendments made by
17 this section shall take effect on October 1, 2006, and shall
18 apply with respect to promotion selection boards convened
19 on or after that date.

20 **SEC. 505. GRADES OF THE JUDGE ADVOCATES GENERAL.**

21 (a) JUDGE ADVOCATE GENERAL OF THE ARMY.—
22 Section 3037(a) of title 10, United States Code, is amend-
23 ed by striking the last sentence and inserting the following
24 new sentence: “The Judge Advocate General, while so
25 serving, has the grade of lieutenant general.”.

1 (b) JUDGE ADVOCATE GENERAL OF THE NAVY.—
2 Section 5148(b) of such title is amended by striking the
3 last sentence and inserting the following new sentence:
4 “The Judge Advocate General, while so serving, has the
5 grade of vice admiral or lieutenant general, as appro-
6 priate.”.

7 (c) JUDGE ADVOCATE GENERAL OF THE AIR
8 FORCE.—Section 8037(a) of such title is amended by
9 striking the last sentence and inserting the following new
10 sentence: “The Judge Advocate General, while so serving,
11 has the grade of lieutenant general.”.

12 (d) EXCLUSION FROM LIMITATION ON GENERAL
13 AND FLAG OFFICER DISTRIBUTION.—Section 525(b) of
14 such title is amended by adding at the end the following
15 new paragraph:

16 “(9) An officer while serving as the Judge Advocate
17 General of the Army, the Judge Advocate General of the
18 Navy, or the Judge Advocate General of the Air Force
19 is in addition to the number that would otherwise be per-
20 mitted for that officer’s armed force for officers serving
21 on active duty in grades above major general or rear admi-
22 ral under paragraph (1) or (2), as the case may be.”.

1 **SEC. 506. TEMPORARY EXTENSION OF AUTHORITY TO RE-**
2 **DUCE MINIMUM LENGTH OF COMMISSIONED**
3 **SERVICE FOR VOLUNTARY RETIREMENT AS**
4 **AN OFFICER.**

5 (a) ARMY.—Section 3911(b) of title 10, United
6 States Code, is amended—

7 (1) by inserting “(1)” after “(b)”;

8 (2) in paragraph (1), as so designated, by strik-
9 ing “, during the period beginning on October 1,
10 1990, and ending on December 31, 2001,”; and

11 (3) by adding at the end the following new
12 paragraph:

13 “(2) The authority in paragraph (1) may be exercised
14 during the period beginning on the date of the enactment
15 of the National Defense Authorization Act for Fiscal Year
16 2006 and ending on December 31, 2008.”.

17 (b) NAVY AND MARINE CORPS.—Section 6323(a)(2)
18 of such title is amended—

19 (1) by inserting “(A)” after “(2)”;

20 (2) in subparagraph (A), as so designated, by
21 striking “, during the period beginning on October
22 1, 1990, and ending on December 31, 2001,”; and

23 (3) by adding at the end the following new sub-
24 paragraph:

25 “(B) The authority in subparagraph (A) may be exer-
26 cised during the period beginning on the date of the enact-

1 ment of the National Defense Authorization Act for Fiscal
2 Year 2006 and ending on December 31, 2008.”.

3 (c) AIR FORCE.—Section 8911(b) of such title is
4 amended—

5 (1) by inserting “(1)” after “(b)”;

6 (2) in paragraph (1), as so designated, by strik-
7 ing “, during the period beginning on October 1,
8 1990, and ending on December 31, 2001,”; and

9 (3) by adding at the end the following new
10 paragraph:

11 “(2) The authority in paragraph (1) may be exercised
12 during the period beginning on the date of the enactment
13 of the National Defense Authorization Act for Fiscal Year
14 2006 and ending on December 31, 2008.”.

15 **SEC. 507. MODIFICATION OF STRENGTH IN GRADE LIMITA-**
16 **TIONS APPLICABLE TO RESERVE FLAG OFFI-**
17 **CERS IN ACTIVE STATUS.**

18 (a) LINE OFFICERS.—Paragraph (1) of section
19 12004(c) of title 10, United States Code, is amended in
20 the item in the table relating to Line officers by striking
21 “28” and inserting “33”.

22 (b) MEDICAL DEPARTMENT STAFF CORPS OFFI-
23 CERS.—Such paragraph is further amended in the item
24 in the table relating to the Medical Department staff corps
25 officers by striking “9” and inserting “5”.

1 (c) SUPPLY CORPS OFFICERS.—Paragraph (2)(A) of
2 such section is amended by striking “seven” and inserting
3 “six”.

4 (d) CONFORMING AMENDMENT.—Paragraph (1) of
5 such section is further amended in the matter preceding
6 the table by striking “39” and inserting “40”.

7 **SEC. 508. UNIFORM AUTHORITY FOR DEFERMENT OF SEPA-**
8 **RATION OF RESERVE GENERAL AND FLAG**
9 **OFFICERS FOR AGE.**

10 (a) IN GENERAL.—Section 14512 of title 10, United
11 States Code, is amended to read as follows:

12 **“§ 14512. Separation at age 64**

13 “(a) IN GENERAL.—The Secretary of the military de-
14 partment concerned may, subject to subsection (b), defer
15 the retirement under section 14510 or 14511 of this title
16 of a reserve officer of the Army, Air Force, or Marine
17 Corps in a grade above colonel, or a reserve officer of the
18 Navy in a grade above captain, and retain such officer
19 in active status until such officer becomes 64 years of age.

20 “(b) LIMITATION ON NUMBER OF DEFERMENTS.—
21 (1) Not more than 10 officers may be deferred by the Sec-
22 retary of a military department under subsection (a) at
23 any one time.

1 residence under the applicable provisions of the Immigra-
 2 tion and Nationality Act (8 U.S.C. 1101 et seq.).

3 “(2) The Secretary concerned may waive the applica-
 4 bility of paragraph (1) to a person if such Secretary deter-
 5 mines that the enlistment of such person is vital to the
 6 national interest.”.

7 (b) REPEAL OF SUPERSEDED LIMITATIONS FOR THE
 8 ARMY AND AIR FORCE.—Sections 3253 and 8253 of such
 9 title are repealed.

10 (c) CLERICAL AMENDMENTS.—

11 (1) The table of sections at the beginning of
 12 chapter 333 of such title is amended by striking the
 13 item relating to section 3253.

14 (2) The table of sections at the beginning of
 15 chapter 833 of such title is amended by striking the
 16 item relating to section 8253.

17 **Subtitle C—Reserve Component**
 18 **Personnel Matters**

19 **SEC. 531. REQUIREMENTS FOR PHYSICAL EXAMINATIONS**
 20 **AND MEDICAL AND DENTAL READINESS FOR**
 21 **MEMBERS OF THE SELECTED RESERVE NOT**
 22 **ON ACTIVE DUTY.**

23 (a) IN GENERAL.—Subsection (a) of section 10206
 24 of title 10, United States Code, is amended—

1 (3) in subparagraph (B) of paragraph (4), as so
2 redesignated, by striking “, (3), or (4)” and insert-
3 ing “or (3)”.

4 (b) ARMY RESERVE AND ARMY NATIONAL GUARD
5 MEMBERS.—Section 2107a(c) of such title is amended—

6 (1) by striking paragraph (3); and

7 (2) by redesignating paragraph (4) as para-
8 graph (3).

9 (c) CONFORMING AMENDMENT.—Section 524(c) of
10 the Ronald W. Reagan National Defense Authorization
11 Act for Fiscal Year 2005 (Public Law 108–375; 118 Stat.
12 1889) is amended by striking “paragraph (5)” and all that
13 follows through “subsection (b)” and inserting “para-
14 graph (4) of section 2107(c) of title 10, United States
15 Code (as added by subsection (a) of this section and redес-
16 igned by section 532(a)(2) of the National Defense Au-
17 thorization Act for Fiscal Year 2006), and under para-
18 graph (3) of section 2107a(c) of title 10, United States
19 Code (as added by subsection (b) of this section and redес-
20 igned by section 532(b)(2) of such Act)”.

1 **SEC. 533. PROCEDURES FOR SUSPENDING FINANCIAL AS-**
2 **SISTANCE AND SUBSISTENCE ALLOWANCE**
3 **FOR SENIOR ROTC CADETS AND MID-**
4 **SHIPMEN ON THE BASIS OF HEALTH-RE-**
5 **LATED CONDITIONS.**

6 (a) REQUIREMENTS.—Section 2107 of title 10,
7 United States Code, is amended by adding at the end the
8 following new subsection:

9 “(j)(1) Payment of financial assistance under this
10 section for, and payment of a monthly subsistence allow-
11 ance under section 209 of title 37 to, a cadet or mid-
12 shipman appointed under this section may be suspended
13 on the basis of health-related incapacity of the cadet or
14 midshipman only in accordance with regulations pre-
15 scribed under paragraph (2).

16 “(2) The Secretary of Defense shall prescribe in regu-
17 lations the policies and procedures for suspending pay-
18 ments under paragraph (1). The regulations shall apply
19 uniformly to all of the military departments. The regula-
20 tions shall include the following matters:

21 “(A) The standards of health-related fitness
22 that are to be applied.

23 “(B) Requirements for—

24 “(i) the health-related condition and prog-
25 nosis of a cadet or midshipman to be deter-
26 mined, in relation to the applicable standards

1 prescribed under subparagraph (A), by a health
2 care professional on the basis of a medical ex-
3 amination of the cadet or midshipman; and

4 “(ii) the Secretary concerned to take into
5 consideration the determinations made under
6 clause (i) with respect to such condition in de-
7 ciding whether to suspend payment in the case
8 of such cadet or midshipman on the basis of
9 that condition.

10 “(C) A requirement for the Secretary concerned
11 to transmit to a cadet or midshipman proposed for
12 suspension under this subsection a notification of
13 the proposed suspension together with the deter-
14 minations made under subparagraph (B)(i) in the
15 case of the proposed suspension.

16 “(D) A procedure for a cadet or midshipman
17 proposed for suspension under this subsection to
18 submit a written response to the proposal for sus-
19 pension, including any supporting information.

20 “(E) Requirements for—

21 “(i) one or more health-care professionals
22 to review, in the case of such a response of a
23 cadet or midshipman, each health-related condi-
24 tion and prognosis addressed in the response,

1 taking into consideration the matters submitted
2 in such response; and

3 “(ii) the Secretary concerned to take into
4 consideration the determinations made under
5 clause (i) with respect to such condition in
6 making a final decision regarding whether to
7 suspend payment in the case of such cadet or
8 midshipman on the basis of that condition, and
9 the conditions under which such suspension
10 may be lifted.”.

11 (b) TIME FOR PROMULGATION OF REGULATIONS.—
12 The Secretary of Defense shall prescribe the regulations
13 required under subsection (j) of section 2107 of title 10,
14 United States Code (as added by subsection (a)), not later
15 than May 1, 2006.

16 **SEC. 534. INCREASE IN MAXIMUM NUMBER OF ARMY RE-**
17 **SERVE AND ARMY NATIONAL GUARD CADETS**
18 **UNDER RESERVE OFFICERS’ TRAINING**
19 **CORPS.**

20 Section 2107a(h) of title 10, United States Code, is
21 amended by striking “208 cadets” and inserting “416 ca-
22 dets”.

1 **SEC. 535. MODIFICATION OF EDUCATIONAL ASSISTANCE**
2 **FOR RESERVES SUPPORTING CONTINGENCY**
3 **AND OTHER OPERATIONS.**

4 (a) OFFICIAL RECEIVING ELECTIONS OF BENE-
5 FITS.—Section 16163(e) of title 10, United States Code,
6 is amended by striking “Secretary concerned” and insert-
7 ing “Secretary of Veterans Affairs”.

8 (b) EXCEPTION TO IMMEDIATE TERMINATION OF AS-
9 SISTANCE.—Section 16165 of such title is amended—

10 (1) by striking “Educational assistance” and
11 inserting “(a) IN GENERAL.—Except as provided in
12 subsection (b), educational assistance”; and

13 (2) by adding at the end the following new sub-
14 section:

15 “(b) EXCEPTION.—Under regulations prescribed by
16 the Secretary of Defense, educational assistance may be
17 provided under this chapter to a member of the Selected
18 Reserve of the Ready Reserve who incurs a break in serv-
19 ice in the Selected Reserve of not more than 90 days if
20 the member continues to serve in the Ready Reserve dur-
21 ing and after such break in service.”.

22 **SEC. 536. REPEAL OF LIMITATION ON AUTHORITY TO RE-**
23 **DESIGNATE THE NAVAL RESERVE AS THE**
24 **NAVY RESERVE.**

25 Section 517(a) of the Ronald W. Reagan National
26 Defense Authorization Act for Fiscal Year 2005 (Public

1 Law 108–375; 118 Stat. 1884; 10 U.S.C. 10101 note) is
2 amended by striking “, which date” and all that follows
3 through the end and inserting a period.

4 **SEC. 537. PERFORMANCE BY RESERVE COMPONENT PER-**
5 **SONNEL OF OPERATIONAL TEST AND EVAL-**
6 **UATION AND TRAINING RELATING TO NEW**
7 **EQUIPMENT.**

8 (a) PILOT PROGRAM.—The Secretary of the Army
9 shall carry out a pilot program to evaluate the feasibility
10 and advisability of—

11 (1) utilizing members of the reserve components
12 of the Army, rather than contractor personnel, to
13 perform test, evaluation, new equipment training,
14 and related activities for one or more acquisition
15 programs selected by the Secretary for purposes of
16 the pilot program; and

17 (2) utilizing funds otherwise available for multi-
18 year purposes for such activities in appropriations
19 for research, development, test, and evaluation, and
20 for procurement, in order to reimburse appropria-
21 tions for personnel for the costs of pay, allowances,
22 and expenses of such members in the performance of
23 such activities.

24 (b) NONWAIVER OF PERSONNEL AND TRAINING
25 POLICIES AND PROCEDURES.—Nothing in this section

1 may be construed to authorize any deviation from estab-
2 lished personnel or training policies or procedures that are
3 applicable to the reserve components of the personnel used
4 under the pilot program.

5 (c) REIMBURSEMENT AUTHORITY.—

6 (1) IN GENERAL.—Subject to paragraph (2),
7 the Secretary may transfer from appropriations for
8 research, development, test, and evaluation, or for
9 procurement, for an acquisition program under the
10 pilot program under subsection (a) to appropriations
11 for reserve component personnel of the Army
12 amounts necessary to reimburse appropriations for
13 reserve component personnel of the Army for pay,
14 allowances, and expenses of reserve component per-
15 sonnel of the Army in performing activities under
16 the pilot program.

17 (2) LIMITATION.—The amount that may be
18 transferred under paragraph (1) in any fiscal year
19 may not exceed \$10,000,000.

20 (3) MERGER OF FUNDS.—Amounts transferred
21 to an account under paragraph (1) shall be merged
22 with other amounts in such account, and shall be
23 available for the same period, and subject to the
24 same limitations, as the amounts with which
25 merged.

1 (4) RELATIONSHIP TO OTHER TRANSFER AU-
2 THORITY.—The authority to transfer funds under
3 paragraph (1) is in addition to any other authority
4 to transfer funds under law.

5 (d) TERMINATION.—The authority to carry out the
6 pilot program under subsection (a) shall expire on Sep-
7 tember 30, 2010.

8 (e) REPORT.—Not later than March 1, 2010, the
9 Secretary of the Army shall, in consultation with the Sec-
10 retary of Defense, submit to the congressional defense
11 committees a report on the pilot program under subsection
12 (a). The report shall include—

13 (1) a comprehensive description of the pilot pro-
14 gram, including the acquisition programs covered by
15 the pilot program and the activities performed by
16 members of the reserve components of the Army
17 under the pilot program;

18 (2) an assessment of the benefits, including cost
19 savings and other benefits, of the performance of ac-
20 tivities under the pilot program by members of the
21 reserve components of the Army rather than by con-
22 tractor personnel; and

23 (3) any recommendations for legislative or ad-
24 ministrative action that the Secretary considers ap-
25 propriate in light of the pilot program.

1 **Subtitle D—Military Justice and**
2 **Related Matters**

3 **SEC. 551. MODIFICATION OF PERIODS OF PROSECUTION BY**
4 **COURTS-MARTIAL FOR MURDER, RAPE, AND**
5 **CHILD ABUSE.**

6 (a) UNLIMITED PERIOD FOR MURDER AND RAPE.—
7 Subsection (a) of section 843 of title 10, United States
8 Code (article 43 of the Uniform Code of Military Justice),
9 is amended by striking “or with any offense” and inserting
10 “with murder or rape, or with any other offense”.

11 (b) EXTENDED PERIOD FOR CHILD ABUSE.—Sub-
12 section (b)(2) of such section (article) is amended—

13 (1) in subparagraph (A), by striking “before
14 the child attains the age of 25 years” and all that
15 follows through the period and inserting “by an offi-
16 cer exercising summary court-martial jurisdiction
17 with respect to that person during the life of the vic-
18 tim or the date that is five years after the date of
19 the offense, whichever is the later date.”;

20 (2) in subparagraph (B)—

21 (A) in the matter preceding clause (i), by
22 striking “sexual or physical”; and

23 (B) in clause (v), by striking “Indecent as-
24 sault,” and inserting “Kidnapping, indecent as-
25 sault,”; and

1 (3) by adding at the end the following new sub-
2 paragraph:

3 “(C) In subparagraph (A), the term ‘child abuse of-
4 fense’ also includes an act that involves abuse of a person
5 who has not attained the age of 18 years and would con-
6 stitute an offense under chapter 110 or 117 or section
7 1591 of title 18.”.

8 **SEC. 552. ESTABLISHMENT OF OFFENSE OF STALKING.**

9 (a) ESTABLISHMENT OF OFFENSE.—Subchapter X
10 of chapter 47 of title 10, United States Code (the Uniform
11 Code of Military Justice), is amended by inserting after
12 section 893 (article 93) the following new section (article):

13 **“§ 893a. Art. 93a. Stalking**

14 “(a) Any person subject to this chapter—

15 “(1) who wrongfully engages in a course of con-
16 duct directed at a specific person that would cause
17 a reasonable person to fear death or bodily harm, in-
18 cluding sexual assault, to himself or herself or a
19 member of his or her immediate family;

20 “(2) who has knowledge, or should have knowl-
21 edge, that the specific person will be placed in rea-
22 sonable fear of death or bodily harm, including sex-
23 ual assault, to himself or herself or a member of his
24 or her immediate family; and

1 “(3) whose acts induce reasonable fear in the
2 specific person of death or bodily harm, including
3 sexual assault, to himself or herself or to a member
4 of his or her immediate family,
5 is guilty of stalking and shall be punished as a court-mar-
6 tial may direct.

7 “(b) For purposes of this section:

8 “(1) The term ‘course of conduct’ means—

9 “(A) a repeated maintenance of visual or
10 physical proximity to a specific person; or

11 “(B) a repeated conveyance of verbal
12 threat, written threats, or threats implied by
13 conduct, or a combination of such threats, di-
14 rected at or toward a specific person.

15 “(2) The term ‘repeated’, with respect to con-
16 duct, means two or more occasions of such conduct.

17 “(3) The term ‘immediate family’, in the case
18 of a specific person, means a spouse, parent, child,
19 or sibling of the person, or any other family member
20 or relative of the person who regularly resides in the
21 household of the person or who within the six
22 months preceding the commencement of the course
23 of conduct regularly resided in the household of the
24 person.”.

1 (b) CLERICAL AMENDMENT.—The table of sections at
2 the beginning of subchapter X of such chapter is amended
3 by inserting after the item relating to section 893 (article
4 93) the following new item:

“893a. Art. 93a. Stalking.”.

5 **SEC. 553. CLARIFICATION OF AUTHORITY OF MILITARY**
6 **LEGAL ASSISTANCE COUNSEL.**

7 Section 1044 of title 10, United States Code, is
8 amended—

9 (1) by redesignating subsection (d) as sub-
10 section (e); and

11 (2) by inserting after subsection (c) the fol-
12 lowing new subsection (d):

13 “(d)(1) Notwithstanding any law regarding the licen-
14 sure of attorneys, a judge advocate or civilian attorney
15 who is authorized to provide military legal assistance is
16 authorized to provide that assistance in any jurisdiction,
17 subject to such regulations as may be prescribed by the
18 Secretary concerned.

19 “(2) In this subsection, the term ‘military legal as-
20 sistance’ includes—

21 “(A) legal assistance provided under this sec-
22 tion; and

23 “(B) legal assistance contemplated by sections
24 1044a, 1044b, 1044c, and 1044d of this title.”.

1 **SEC. 554. ADMINISTRATIVE CENSURES OF MEMBERS OF**
2 **THE ARMED FORCES.**

3 (a) **AUTHORITY TO ISSUE ADMINISTRATIVE CEN-**
4 **SURES.—**

5 (1) **AUTHORITY OF SECRETARY OF DEFENSE.—**

6 The Secretary of Defense may issue, in writing, an
7 administrative censure to any member of the Armed
8 Forces.

9 (2) **AUTHORITY OF SECRETARIES OF MILITARY**
10 **DEPARTMENTS.—**The Secretary of a military depart-
11 ment may issue, in writing, an administrative cen-
12 sure to any member of the Armed Forces under the
13 jurisdiction of such Secretary.

14 (3) **REGULATIONS.—**Administrative censures
15 shall be issued under this section pursuant to regu-
16 lations prescribed by the Secretary of Defense. The
17 regulations shall apply uniformly throughout the
18 military departments.

19 (b) **ADMINISTRATIVE CENSURE.—**For purposes of
20 this section, an administrative censure is a statement of
21 adverse opinion or criticism with respect to the conduct
22 or performance of duty of a member of the Armed Forces.

23 (c) **FINALITY.—**An administrative censure issued
24 under this section is final and may not be appealed by
25 the member of the Armed Forces concerned.

1 (d) CONSTRUCTION.—The authority under this sec-
2 tion to issue administrative censures with respect to the
3 conduct or performance of duty of a member of the Armed
4 Forces is in addition to the authority to impose non-judi-
5 cial punishment with respect to such conduct or perform-
6 ance of duty under section 815 of title 10, United States
7 Code (article 15 of the Uniform Code of Military Justice).

8 **SEC. 555. REPORTS BY OFFICERS AND SENIOR ENLISTED**
9 **PERSONNEL OF MATTERS RELATING TO VIO-**
10 **LATIONS OR ALLEGED VIOLATIONS OF**
11 **CRIMINAL LAW.**

12 (a) REQUIREMENT FOR REPORTS.—

13 (1) IN GENERAL.—The Secretary of Defense
14 shall prescribe in regulations a requirement that
15 each covered member of the Armed Forces, whether
16 on the active-duty list or on the reserve active-status
17 list, shall submit to an authority in the military de-
18 partment concerned designated pursuant to such
19 regulations a timely report on any investigation, ar-
20 rest, charge, detention, adjudication, or conviction of
21 such member by any law enforcement authority of
22 the United States for a violation of a criminal law
23 of the United States, whether or not such member
24 is on active duty at the time of the conduct that pro-
25 vides the basis of such investigation, arrest, charge,

1 detention, adjudication, or conviction. The regula-
2 tions shall apply uniformly throughout the military
3 departments.

4 (2) COVERED MEMBERS.—In this section, the
5 term “covered member of the Armed Forces” means
6 the following:

7 (A) An officer.

8 (B) An enlisted member in the grade of E–
9 7 or above.

10 (b) LAW ENFORCEMENT AUTHORITY OF THE
11 UNITED STATES.—For purposes of this section, a law en-
12 forcement authority of the United States includes—

13 (1) a military or other Federal law enforcement
14 authority;

15 (2) a State or local law enforcement authority;
16 and

17 (3) such other law enforcement authorities
18 within the United States as the Secretary shall
19 specify in the regulations prescribed pursuant to
20 subsection (a).

21 (c) CRIMINAL LAW OF THE UNITED STATES.—

22 (1) IN GENERAL.—Except as provided in para-
23 graph (2), for purposes of this section, a criminal
24 law of the United States includes—

1 (A) any military or other Federal criminal
2 law;

3 (B) any State, county, municipal, or local
4 criminal law or ordinance; and

5 (C) such other criminal laws and ordi-
6 nances of jurisdictions within the United States
7 as the Secretary shall specify in the regulations
8 prescribed pursuant to subsection (a).

9 (2) EXCEPTION.—For purposes of this section,
10 a criminal law of the United States shall not include
11 a law or ordinance specifying a minor traffic offense
12 (as determined by the Secretary for purposes of such
13 regulations).

14 (d) ACTIONS SUBJECT TO REPORT.—

15 (1) IN GENERAL.—The regulations prescribed
16 pursuant to subsection (a) shall specify each action
17 of a law enforcement authority of the United States
18 for which a report under that subsection shall be re-
19 quired.

20 (2) MULTIPLE REPORTS ON SINGLE CON-
21 DUCT.—If the conduct of a covered member of the
22 Armed Forces would provide the basis for actions of
23 a law enforcement authority of the United States
24 warranting more than one report under this section,

1 the regulations shall specify which of such actions
2 such be subject to a report under this section.

3 (e) TIMELINESS OF REPORTS.—The regulations pre-
4 scribed pursuant to subsection (a) shall establish require-
5 ments for the timeliness of reports under this section.

6 (f) FORWARDING OF INFORMATION.—The regula-
7 tions prescribed pursuant to subsection (a) shall provide
8 that, in the event a military department receives informa-
9 tion that a covered member of the Armed Forces under
10 the jurisdiction of another military department has be-
11 come subject to an investigation, arrest, charge, detention,
12 adjudication, or conviction for which a report is required
13 by this section, the Secretary of the military department
14 receiving such information shall, in accordance with such
15 procedures as the Secretary of Defense shall establish in
16 such regulations, forward such information to the author-
17 ity in the military department having jurisdiction over
18 such member designated pursuant to such regulations.

19 (g) DEADLINE FOR REGULATIONS.—The regulations
20 required by subsection (a), including the requirement in
21 subsection (f), shall go into effect not later than January
22 1, 2006.

1 **Subtitle E—Military Service**
2 **Academies**

3 **SEC. 561. AUTHORITY TO RETAIN PERMANENT MILITARY**
4 **PROFESSORS AT THE NAVAL ACADEMY**
5 **AFTER MORE THAN 30 YEARS OF SERVICE.**

6 (a) AUTHORITY TO RETAIN.—

7 (1) IN GENERAL.—Chapter 603 of title 10,
8 United States Code, is amended by inserting after
9 section 6952 the following new section:

10 **“§ 6952a. Faculty: retention of permanent military**
11 **professors**

12 “(a) RETIREMENT FOR YEARS OF SERVICE.—(1) Ex-
13 cept as provided in subsection (b), an officer serving as
14 a permanent military professor at the Naval Academy in
15 the grade of commander who is not on a list of officers
16 recommended for promotion to the grade of captain shall,
17 if not earlier retired, be retired on the first day of the
18 month after the month in which the officer completes 28
19 years of active commissioned service.

20 “(2) Except as provided in subsection (b), an officer
21 serving as a permanent military professor at the Naval
22 Academy in the grade of captain who is not on a list of
23 officers recommended for promotion to the grade of rear
24 admiral (lower half) shall, if not earlier retired, be retired
25 on the first day of the month after the month in which

1 the officer completes 30 years of active commissioned serv-
2 ice.

3 “(b) CONTINUATION ON ACTIVE DUTY.—(1) An offi-
4 cer subject to retirement under subsection (a) may be con-
5 tinued on active duty by the Secretary of the Navy after
6 the date otherwise provided for retirement under such sub-
7 section—

8 “(A) upon the recommendation of the Super-
9 intendent of the Naval Academy; and

10 “(B) with the concurrence of the Chief of Naval
11 Operations.

12 “(2) The Secretary of the Navy shall determine the
13 period of continuation on active duty of an officer under
14 this subsection.

15 “(c) ELIGIBILITY FOR PROMOTION.—A permanent
16 military professor at the Naval Academy who has been re-
17 tained on active duty as a permanent military professor
18 after more than 28 years of active commissioned service
19 in the grade of commander under subsection (b) is eligible
20 for consideration for promotion to the grade of captain.”.

21 (2) CLERICAL AMENDMENT.—The table of sec-
22 tions at the beginning of such chapter is amended
23 by inserting after the item relating to section 6952
24 the following new item:

“6952a. Faculty: retention of permanent military professors.”.

25 (b) CONFORMING AMENDMENTS.—

1 (1) Section 633 of such title is amended—

2 (A) by striking “and an officer” and in-
3 serting “, an officer”; and

4 (B) by inserting “, and an officer who is
5 a permanent military professor at the Naval
6 Academy to whom section 6952a of this title
7 applies,” after “section 6383 of this title ap-
8 plies”.

9 (2) Section 634 of such title is amended by in-
10 serting “and an officer who is a permanent military
11 professor at the Naval Academy to whom section
12 6952a of this title applies,” after “section
13 6383(a)(4) of this title”.

14 **Subtitle F—Administrative Matters**

15 **SEC. 571. CLARIFICATION OF LEAVE ACCRUAL FOR MEM-** 16 **BERS ASSIGNED TO A DEPLOYABLE SHIP OR** 17 **MOBILE UNIT OR OTHER DUTY.**

18 Subparagraph (B) of section 701(f)(1) of title 10,
19 United States Code, is amended to read as follows:

20 “(B) This subsection applies to a member who—

21 “(i) serves on active duty for a continuous pe-
22 riod of at least 120 days in an area in which the
23 member is entitled to special pay under section
24 310(a) of title 37; or

1 “(ii) is assigned to a deployable ship or mobile
2 unit or to other duty designated for the purpose of
3 this section.”.

4 **SEC. 572. LIMITATION ON CONVERSION OF MILITARY MED-**
5 **ICAL AND DENTAL BILLETS TO CIVILIAN PO-**
6 **SITIONS.**

7 (a) **LIMITATION.**—Commencing as of the date of the
8 enactment of this Act, no military medical or dental billet
9 may be converted to a civilian position until 90 days after
10 the date on which the Secretary of Defense certifies to
11 the congressional defense committees each of the fol-
12 lowing:

13 (1) That the conversion of military medical or
14 dental billets to civilian positions, whether before the
15 date of the enactment or as scheduled after the limi-
16 tation under this subsection no longer applies, will
17 not result in an increase in civilian health care costs.

18 (2) That the conversion of such billets to such
19 positions meets the joint medical and dental readi-
20 ness requirements of the uniformed services, as de-
21 termined jointly by all the uniformed services.

22 (3) That, as determined pursuant to market
23 surveys conducted under subsection (b), the civilian
24 medical and dental care providers available in each
25 affected area are adequate to fill the civilian posi-

1 tions created by the conversion of such billets to
2 such positions in such affected area.

3 (b) MARKET SURVEYS.—The Secretary of Defense
4 shall conduct in each affected area a survey of the avail-
5 ability of civilian medical and dental care providers in such
6 area in order to determine, for purposes of subsection
7 (a)(3), whether or not the civilian medical and dental care
8 providers available in such area are adequate to fill the
9 civilian positions created by the conversion of medical and
10 dental billets to civilian positions in such area.

11 (c) DEFINITIONS.—In this section:

12 (1) The term “affected area” means an area in
13 which the conversion of military medical or dental
14 billets to civilian positions has taken place as of the
15 date of the enactment of this Act or is scheduled to
16 take place after the limitation under subsection (a)
17 no longer applies.

18 (2) The term “uniformed services” has the
19 meaning given that term in section 1072(1) of title
20 10, United States Code.

1 **Subtitle G—Defense Dependents**
2 **Education Matters**

3 **SEC. 581. EXPANSION OF AUTHORIZED ENROLLMENT IN**
4 **DEPARTMENT OF DEFENSE DEPENDENTS**
5 **SCHOOLS OVERSEAS.**

6 The Defense Dependents' Education Act of 1978 (20
7 U.S.C. 931 et seq.) is amended by inserting after section
8 1404 the following new section:

9 “ENROLLMENT OF CERTAIN ADDITIONAL CHILDREN ON
10 TUITION-FREE BASIS

11 “SEC. 1404A. (a) The Secretary of Defense may,
12 under regulations to be prescribed by the Secretary, au-
13 thorize the enrollment in schools of the defense depend-
14 ents' education system on a tuition-free basis the children
15 of full-time, locally-hired employees of the Department of
16 Defense in an overseas area if such employees are citizens
17 or nationals of the United States.

18 “(b) The Secretary may utilize funds available for the
19 defense dependents' education system, including funds for
20 construction, in order to provide for the education of chil-
21 dren enrolled in the defense dependents' education system
22 under subsection (a).”.

1 **SEC. 582. ASSISTANCE TO LOCAL EDUCATIONAL AGENCIES**
2 **WITH SIGNIFICANT ENROLLMENT INCREASES**
3 **IN MILITARY DEPENDENT STUDENTS DUE TO**
4 **TROOP RELOCATIONS, CREATION OF NEW**
5 **UNITS, AND REALIGNMENTS UNDER BRAC.**

6 (a) AVAILABILITY OF ASSISTANCE.—To assist com-
7 munities in making adjustments resulting from the cre-
8 ation of new units and other large-scale relocations of
9 members of the Armed Forces between military installa-
10 tions, the Secretary of Defense may make payments to
11 local educational agencies described in subsection (b) that,
12 during the period between the end of the school year pre-
13 ceding the fiscal year for which the payments are author-
14 ized and the beginning of the school year immediately pre-
15 ceding that school year, had an overall increase in the
16 number of military dependent students enrolled in schools
17 of such local educational agencies equal to or greater than
18 250 military dependent students.

19 (b) ELIGIBLE LOCAL EDUCATIONAL AGENCIES.—A
20 local educational agency is eligible for assistance under
21 this section for a fiscal year only if the Secretary of De-
22 fense determines that—

23 (1) the local educational agency is eligible for
24 educational agencies assistance for the same fiscal
25 year; and

1 (2) the required overall increase in the number
2 of military dependent students enrolled in schools of
3 that local educational agency, as provided in sub-
4 section (a), occurred as a result of the relocation of
5 military personnel due to—

6 (A) the global rebasing plan of the Depart-
7 ment of Defense;

8 (B) the official creation or activation of
9 one or more new military units; or

10 (C) the realignment of forces as a result of
11 the base closure process.

12 (c) NOTIFICATION.—Not later than June 30, 2006,
13 and June 30 of each of the next two fiscal years, the Sec-
14 retary of Defense shall notify each local educational agen-
15 cy that is eligible for assistance under this section for such
16 fiscal year of—

17 (1) the eligibility of the local educational agency
18 for the assistance; and

19 (2) the amount of the assistance for which that
20 local educational agency is eligible, as determined
21 under subsection (d).

22 (d) AMOUNT OF ASSISTANCE.—

23 (1) IN GENERAL.—In making assistance avail-
24 able to local educational agencies under this section,
25 the Secretary of Defense shall, in consultation with

1 the Secretary of Education, make assistance avail-
2 able to such local educational agencies for a fiscal
3 year on a pro rata basis based on the size of the
4 overall increase in the number of military and De-
5 partment of Defense civilian dependent students en-
6 rolled in schools of those local educational agencies
7 for such fiscal year.

8 (2) LIMITATION.—No local educational agency
9 may receive more than \$1,000,000 in assistance
10 under this section for any fiscal year.

11 (e) DISBURSEMENT OF FUNDS.—The Secretary of
12 Defense shall disburse assistance made available under
13 this section for a fiscal year not later than 30 days after
14 the date on which notification to the eligible local edu-
15 cational agencies is provided pursuant to subsection (c)
16 for that fiscal year.

17 (f) CONSULTATION.—The Secretary of Defense shall
18 carry out this section in consultation with the Secretary
19 of Education.

20 (g) REPORTS.—

21 (1) REPORTS REQUIRED.—Not later than May
22 1 of each of 2007, 2008, and 2009, the Secretary
23 of Defense shall submit to the congressional defense
24 committees a report on the assistance provided

1 under this section during the fiscal year preceding
2 the date of such report.

3 (2) ELEMENT.—Each report on the assistance
4 provided during a fiscal year under this section shall
5 include an assessment and description of the current
6 compliance of each local educational agency receiving
7 such assistance with the requirements of the No
8 Child Left Behind Act of 2001 (Public Law 107–
9 110).

10 (h) FUNDING.—Of the amount authorized to be ap-
11 propriated to the Department of Defense for fiscal years
12 2006, 2007, and 2008 for operation and maintenance for
13 Defense-wide activities, \$15,000,000 shall be available for
14 each such fiscal year only for the purpose of providing as-
15 sistance to local educational agencies under this section.

16 (i) TERMINATION.—The authority of the Secretary of
17 Defense to provide financial assistance under this section
18 shall expire on September 30, 2008.

19 (j) DEFINITIONS.—In this section:

20 (1) The term “base closure process” means the
21 2005 base closure and realignment process author-
22 ized by Defense Base Closure and Realignment Act
23 of 1990 (part A of title XXIX of Public Law 101–
24 510; 10 U.S.C. 2687 note) or any base closure and
25 realignment process conducted after the date of the

1 enactment of this Act under section 2687 of title 10,
2 United States Code, or any other similar law en-
3 acted after that date.

4 (2) The term “educational agencies assistance”
5 means assistance authorized under section 386(b) of
6 the National Defense Authorization Act for Fiscal
7 Year 1993 (Public Law 102–484; 20 U.S.C. 7703
8 note).

9 (3) The term “local educational agency” has
10 the meaning given that term in section 8013(9) of
11 the Elementary and Secondary Education Act of
12 1965 (20 U.S.C. 7713(9)).

13 (4) The term “military dependent students” re-
14 fers to—

15 (A) elementary and secondary school stu-
16 dents who are dependents of members of the
17 Armed Forces; and

18 (B) elementary and secondary school stu-
19 dents who are dependents of civilian employees
20 of the Department of Defense.

1 **SEC. 583. ASSISTANCE TO LOCAL EDUCATIONAL AGENCIES**
2 **THAT BENEFIT DEPENDENTS OF MEMBERS**
3 **OF THE ARMED FORCES AND DEPARTMENT**
4 **OF DEFENSE CIVILIAN EMPLOYEES.**

5 (a) CONTINUATION OF DEPARTMENT OF DEFENSE
6 PROGRAM FOR FISCAL YEAR 2006.—Of the amount au-
7 thorized to be appropriated pursuant to section 301(5) for
8 operation and maintenance for Defense-wide activities,
9 \$30,000,000 shall be available only for the purpose of pro-
10 viding educational agencies assistance to local educational
11 agencies.

12 (b) NOTIFICATION.—Not later than June 30, 2006,
13 the Secretary of Defense shall notify each local edu-
14 cational agency that is eligible for educational agencies as-
15 sistance for fiscal year 2006 of—

- 16 (1) that agency's eligibility for the assistance;
17 and
18 (2) the amount of the assistance for which that
19 agency is eligible.

20 (c) DISBURSEMENT OF FUNDS.—The Secretary of
21 Defense shall disburse funds made available under sub-
22 section (a) not later than 30 days after the date on which
23 notification to the eligible local educational agencies is
24 provided pursuant to subsection (b).

25 (d) DEFINITIONS.—In this section:

1 (1) The term “educational agencies assistance”
2 means assistance authorized under section 386(b) of
3 the National Defense Authorization Act for Fiscal
4 Year 1993 (Public Law 102–484; 20 U.S.C. 7703
5 note).

6 (2) The term “local educational agency” has
7 the meaning given that term in section 8013(9) of
8 the Elementary and Secondary Education Act of
9 1965 (20 U.S.C. 7713(9)).

10 (3) The term “basic support payment” means
11 a payment authorized under section 8003(b)(1) of
12 the Elementary and Secondary Education Act of
13 1965 (20 U.S.C. 7703(b)(1)).

14 **SEC. 584. IMPACT AID FOR CHILDREN WITH SEVERE DIS-**
15 **ABILITIES.**

16 Of the amount authorized to be appropriated pursu-
17 ant to section 301(5) for operation and maintenance for
18 Defense-wide activities, \$5,000,000 shall be available for
19 payments under section 363 of the Floyd D. Spence Na-
20 tional Defense Authorization Act for Fiscal Year 2001 (as
21 enacted into law by Public Law 106–398; 114 Stat.
22 1654A–77; 20 U.S.C. 7703a).

1 **Subtitle H—Other Matters**

2 **SEC. 591. POLICY AND PROCEDURES ON CASUALTY ASSIST-**
3 **ANCE TO SURVIVORS OF MILITARY DECE-**
4 **DENTS.**

5 (a) **COMPREHENSIVE POLICY ON CASUALTY ASSIST-**
6 **ANCE.—**

7 (1) **POLICY REQUIRED.—**Not later than Janu-
8 ary 1, 2006, the Secretary of Defense shall develop
9 and prescribe a comprehensive policy for the Depart-
10 ment of Defense on the provision of casualty assist-
11 ance to survivors and next of kin of members of the
12 Armed Forces who die during military service (in
13 this section referred to as “military decedents”).

14 (2) **CONSULTATION.—**The Secretary shall de-
15 velop the policy in consultation with the Secretaries
16 of the military departments, the Secretary of Vet-
17 erans Affairs, and the Secretary of Homeland Secu-
18 rity with respect to the Coast Guard

19 (3) **INCORPORATION OF PAST EXPERIENCE AND**
20 **PRACTICE.—**The policy shall be based on—

21 (A) the experience and best practices of
22 the military departments;

23 (B) the recommendations of nongovern-
24 ment organizations with demonstrated expertise

1 in responding to the needs of survivors of mili-
2 tary decedents; and

3 (C) such other matters as the Secretary of
4 Defense considers appropriate.

5 (4) PROCEDURES.—The policy shall include
6 procedures to be followed by the military depart-
7 ments in the provision of casualty assistance to sur-
8 vivors and next of kin of military decedents. The
9 procedures shall be uniform across the military de-
10 partments except to the extent necessary to reflect
11 the traditional practices or customs of a particular
12 military department.

13 (b) ELEMENTS OF POLICY.—The comprehensive pol-
14 icy developed under subsection (a) shall address the fol-
15 lowing matters:

16 (1) The initial notification of primary and sec-
17 ondary next of kin of the deaths of military dece-
18 dents and any subsequent notifications of next of kin
19 warranted by circumstances.

20 (2) The transportation and disposition of re-
21 mains of military decedents, including notification of
22 survivors of the performance of autopsies.

23 (3) The qualifications, assignment, training, du-
24 ties, supervision, and accountability for the perform-
25 ance of casualty assistance responsibilities.

1 (4) The relief or transfer of casualty assistance
2 officers, including notification to survivors and next
3 of kin of the reassignment of such officers to other
4 duties.

5 (5) Centralized, short-term and long-term case-
6 management procedures for casualty assistance by
7 each military department, including rapid access by
8 survivors of military decedents and casualty assist-
9 ance officers to expert case managers and coun-
10 selors.

11 (6) The provision, at no cost to survivors of
12 military decedents, of personalized, integrated infor-
13 mation on the benefits and financial assistance avail-
14 able to such survivors from the Federal Government.

15 (7) The provision, at no cost to survivors of
16 military decedents, of legal assistance by military at-
17 torneys on matters arising from the deaths of such
18 decedents, including tax matters, on an expedited,
19 prioritized basis.

20 (8) The provision of financial counseling to sur-
21 vivors of military decedents, particularly with respect
22 to appropriate disposition of death gratuity and in-
23 surance proceeds received by surviving spouses,
24 minor dependent children, and their representatives.

1 (9) The provision of information to survivors
2 and next of kin of military decedents on mechanisms
3 for registering complaints about, or requests for, ad-
4 ditional assistance related to casualty assistance.

5 (10) Liaison with the Department of Veterans
6 Affairs and the Social Security Administration in
7 order to ensure prompt and accurate resolution of
8 issues relating to benefits administered by those
9 agencies for survivors of military decedents.

10 (11) Data collection regarding the incidence
11 and quality of casualty assistance provided to sur-
12 vivors of military decedents, including surveys of
13 such survivors and military and civilian members as-
14 signed casualty assistance duties.

15 (c) ADOPTION BY MILITARY DEPARTMENTS.—Not
16 later than March 1, 2006, the Secretary of each military
17 department shall prescribe regulations, or modify current
18 regulations, on the policies and procedures of such mili-
19 tary department on the provision of casualty assistance
20 to survivors and next of kin of military decedents in order
21 to conform such policies and procedures to the policy de-
22 veloped under subsection (a).

23 (d) REPORT ON IMPROVEMENT OF CASUALTY AS-
24 SISTANCE PROGRAMS.—Not later than May 1, 2006, the
25 Secretary of Defense shall submit to the Committees on

1 Armed Services of the Senate and the House of Represent-
2 atives a report that includes—

3 (1) the assessment of the Secretary of the ade-
4 quacy and sufficiency of the current casualty assist-
5 ance programs of the military departments;

6 (2) a plan for a system for the uniform provi-
7 sion to survivors of military decedents of personal-
8 ized, accurate, and integrated information on the
9 benefits and financial assistance available to such
10 survivors through the casualty assistance programs
11 of the military departments under subsection (c);
12 and

13 (3) such recommendations for other legislative
14 or administrative action as the Secretary considers
15 appropriate to enhance and improve such programs
16 to achieve their intended purposes.

17 (e) GAO REPORT.—

18 (1) REPORT REQUIRED.—Not later than Au-
19 gust 1, 2006, the Comptroller General of the United
20 States shall submit to the congressional defense
21 committees a report on the evaluation by the Comp-
22 troller General of the casualty assistance programs
23 of the Department of Defense and of such other de-
24 partments and agencies of the Federal Government

1 as provide casualty assistance to survivors and next
2 of kin of military decedents.

3 (2) ASSESSMENT.—The report shall include the
4 assessment of the Comptroller General of the ade-
5 quacy of the current policies and procedures of, and
6 funding for, the casualty assistance programs cov-
7 ered by the report to achieve their intended pur-
8 poses.

9 **SEC. 592. MODIFICATION AND ENHANCEMENT OF MISSION**
10 **AND AUTHORITIES OF THE NAVAL POST-**
11 **GRADUATE SCHOOL.**

12 (a) COMBAT-RELATED FOCUS FOR NAVAL POST-
13 GRADUATE SCHOOL.—

14 (1) IN GENERAL.—Section 7041 of title 10,
15 United States Code, is amended by striking “for the
16 advanced instruction” and all that follows and in-
17 serting “for the provision of advanced instruction,
18 and professional and technical education, to commis-
19 sioned officers of the naval service to enhance com-
20 bat effectiveness and the national security.”.

21 (2) CONFORMING AMENDMENT.—Section
22 7042(b)(1) of such title is amended by striking “and
23 technical education” and inserting “, and technical
24 and professional education,”.

1 (b) EXPANDED ELIGIBILITY OF ENLISTED PER-
 2 SONNEL FOR INSTRUCTION.—Section 7045 of such title
 3 is amended—

4 (1) in subsection (a)(2)—

5 (A) by redesignating subparagraph (C) as
 6 subparagraph (D);

7 (B) by inserting after subparagraph (B)
 8 the following new subparagraph (C):

9 “(C) The Secretary may permit an eligible member
 10 of the armed forces to receive instruction from the Post-
 11 graduate School in certificate programs and courses re-
 12 quired for the performance of the member’s duties.”; and

13 (C) in subparagraph (D), as so redesign-
 14 ated, by striking “(A) and (B)” and inserting
 15 “(A), (B), and (C)”;

16 (2) in subsection (b)(2), by striking “(a)(2)(C)”
 17 and inserting “(a)(2)(D)”.

18 **SEC. 593. EXPANSION AND ENHANCEMENT OF AUTHORITY**
 19 **TO PRESENT RECOGNITION ITEMS FOR RE-**
 20 **CRUITMENT AND RETENTION PURPOSES.**

21 (a) IN GENERAL.—(1) Subchapter II of chapter 134
 22 of title 10, United States Code, is amended by adding at
 23 the end the following new section:

1 **“§ 2261. Presentation of recognition items for recruit-**
2 **ment and retention purposes**

3 “(a) EXPENDITURES FOR RECOGNITION ITEMS.—
4 Under regulations prescribed by the Secretary of Defense,
5 appropriated funds may be expended—

6 “(1) to procure recognition items of nominal or
7 modest value for recruitment or retention purposes;
8 and

9 “(2) to present such items—

10 “(A) to members of the armed forces, in-
11 cluding members of the reserve components of
12 the armed forces; and

13 “(B) to members of the families of mem-
14 bers of the armed forces, and to other individ-
15 uals recognized as providing support that sub-
16 stantially facilitates service in the armed forces.

17 “(b) PROVISION OF MEALS AND REFRESHMENTS.—
18 For purposes of section 520e of this title and any regula-
19 tion prescribed to implement that section, functions con-
20 ducted for the purpose of presenting recognition items de-
21 scribed in subsection (a) shall be treated as recruiting
22 functions, and recipients of such items shall be treated as
23 persons who are the objects of recruiting efforts.

24 “(c) DEFINITION.—The term ‘recognition items of
25 nominal or modest value’ means commemorative coins,
26 medals, trophies, badges, flags, posters, paintings, or other

1 similar items that are valued at less than \$50 per item
2 and are designed to recognize or commemorate service in
3 the armed forces.

4 “(d) TERMINATION OF AUTHORITY.—The authority
5 under this section shall expire December 31, 2007.”.

6 (2) The table of sections at the beginning of sub-
7 chapter II of chapter 134 of such title is amended by add-
8 ing at the end the following new item:

“2261. Presentation of recognition items for recruitment and retention pur-
poses.”.

9 (b) REPEAL OF SUPERSEDED AUTHORITIES.—

10 (1) ARMY RESERVE.—(A) Section 18506 of title
11 10, United States Code, is repealed.

12 (B) The table of sections at the beginning of
13 chapter 1805 of such title is amended by striking
14 the item relating to section 18506.

15 (2) NATIONAL GUARD.—(A) Section 717 of title
16 32, United States Code, is repealed.

17 (B) The table of sections at the beginning of
18 chapter 7 of such title is amended by striking the
19 item relating to section 717.

1 **SEC. 594. REQUIREMENT FOR REGULATIONS ON POLICIES**
2 **AND PROCEDURES ON PERSONAL COMMER-**
3 **CIAL SOLICITATIONS ON DEPARTMENT OF**
4 **DEFENSE INSTALLATIONS.**

5 (a) REQUIREMENT.—Not later than January 1,
6 2006, the Secretary of Defense shall prescribe regulations,
7 or modify existing regulations, on the policies and proce-
8 dures relating to personal commercial solicitations, includ-
9 ing the sale of life insurance and securities, on Depart-
10 ment of Defense installations.

11 (b) REPEAL OF SUPERSEDED LIMITATIONS.—The
12 following provisions of law are repealed:

13 (1) Section 586 of the National Defense Au-
14 thorization Act for Fiscal Year 2004 (Public Law
15 108–136; 117 Stat. 1493).

16 (2) Section 8133 of the Department of Defense
17 Appropriations Act, 2005 (Public Law 108–287;
18 118 Stat. 1002).

19 **SEC. 595. FEDERAL ASSISTANCE FOR STATE PROGRAMS**
20 **UNDER THE NATIONAL GUARD YOUTH CHAL-**
21 **LENGE PROGRAM.**

22 (a) IN GENERAL.—Section 509(d) of title 32, United
23 States Code, is amended by striking paragraphs (1), (2),
24 (3), and (4) and inserting the following new paragraphs:

1 “(1) for fiscal year 2006, 65 percent of the
2 costs of operating the State program during that fis-
3 cal year;

4 “(2) for fiscal year 2007, 70 percent of the
5 costs of operating the State program during that fis-
6 cal year; and

7 “(3) for fiscal year 2008 and each subsequent
8 fiscal year, 75 percent of the costs of operating the
9 State program during such fiscal year.”.

10 (b) EFFECTIVE DATE.—The amendment made by
11 subsection (a) shall take effect on October 1, 2005.

12 **TITLE VI—COMPENSATION AND**
13 **OTHER PERSONNEL BENEFITS**
14 **Subtitle A—Pay and Allowances**

15 **SEC. 601. ELIGIBILITY FOR ADDITIONAL PAY OF PERMA-**
16 **NENT MILITARY PROFESSORS AT THE**
17 **UNITED STATES NAVAL ACADEMY WITH OVER**
18 **36 YEARS OF SERVICE.**

19 Section 203(b) of title 37, United States Code, is
20 amended by inserting “, the United States Naval Acad-
21 emy,” after “the United States Military Academy”.

1 **SEC. 602. ENHANCED AUTHORITY FOR AGENCY CONTRIBU-**
2 **TIONS FOR MEMBERS OF THE ARMED**
3 **FORCES PARTICIPATING IN THE THRIFT SAV-**
4 **INGS PLAN.**

5 (a) AUTHORITY TO MAKE CONTRIBUTIONS FOR CER-
6 TAIN FIRST-TIME ENLISTEES.—Section 211(d) of title
7 37, United States Code, is amended—

8 (1) in paragraph (1)—

9 (A) in subparagraph (A), by inserting “(i)”
10 after “(A)”;

11 (B) by redesignating subparagraph (B) as
12 clause (ii) of subparagraph (A);

13 (C) in clause (ii) of subparagraph (A), as
14 so redesignated, by striking the period at the
15 end and inserting “; or”; and

16 (D) by adding at the end the following new
17 subparagraph (B):

18 “(B) in the case of a member first enlisting in
19 the armed forces, the period of the member’s enlist-
20 ment is not less than two years.”;

21 (2) in paragraph (2), by striking “paragraph
22 (1)” the first place it appears and inserting “para-
23 graph (1)(A)”;

24 (3) by adding at the end the following new
25 paragraph:

1 “(3) In the case of a member described by paragraph
2 (1)(B), the Secretary shall make contributions to the
3 Fund for the benefit of the member for each pay period
4 of the enlistment of the member described in that para-
5 graph for which the member makes a contribution to the
6 Fund under section 8440e of title 5 (other than under
7 subsection (d)(2) thereof). The second sentence of para-
8 graph (2) applies to the Secretary’s obligation to make
9 contributions under this paragraph to the same extent as
10 such paragraph applies to the Secretary’s obligation to
11 make contributions under such paragraph.”.

12 (b) EFFECTIVE DATE.—The amendments made by
13 this section shall take effect on October 1, 2005.

14 **SEC. 603. PERMANENT AUTHORITY FOR SUPPLEMENTAL**
15 **SUBSISTENCE ALLOWANCE FOR LOW-INCOME**
16 **MEMBERS WITH DEPENDENTS.**

17 Section 402a of title 37, United States Code, is
18 amended by striking subsection (i).

19 **SEC. 604. MODIFICATION OF PAY CONSIDERED AS SAVED**
20 **PAY UPON APPOINTMENT OF AN ENLISTED**
21 **MEMBER AS AN OFFICER.**

22 (a) IN GENERAL.—Section 907(d) of title 37, United
23 States Code, is amended to read as follows:

24 “(d) In determining the amount of the pay and allow-
25 ances of a grade formerly held by an officer, the following

1 special and incentive pays may be considered only so long
2 as the officer continues to perform the duty creating the
3 entitlement to or eligibility for such pay and would other-
4 wise be eligible to receive such pay in the officer's former
5 grade:

6 “(1) Incentive pay for hazardous duty under
7 section 301 of this title.

8 “(2) Submarine duty incentive pay under sec-
9 tion 301c of this title.

10 “(3) Diving duty special pay under section 304
11 of this title.

12 “(4) Hardship duty special pay under section
13 305 of this title.

14 “(5) Career sea pay under section 305a of this
15 title.

16 “(6) Special pay for service as a member of a
17 Weapons of Mass Destruction Civil Support Team
18 under section 305b of this title.

19 “(7) Assignment incentive pay under section
20 307a of this title.

21 “(8) Hostile fire pay or imminent danger pay
22 under section 310 of this title.

23 “(9) Special pay for extension of overseas tour
24 of duty under section 314 of this title.

1 “(10) Foreign language proficiency pay under
2 section 316 of this title.

3 “(11) Critical skill retention bonus under sec-
4 tion 323 of this title, if payable in periodic install-
5 ments.”.

6 (b) EFFECTIVE DATE.—The amendment made by
7 this section shall take effect on the date of the enactment
8 of this Act, and shall apply with respect to acceptances
9 of enlisted members of appointments as officers on or
10 after that date.

11 **Subtitle B—Bonuses and Special** 12 **and Incentive Pays**

13 **SEC. 611. ONE-YEAR EXTENSION OF CERTAIN BONUS AND** 14 **SPECIAL PAY AUTHORITIES FOR RESERVE** 15 **FORCES.**

16 (a) SELECTED RESERVE REENLISTMENT BONUS.—
17 Section 308b(g) of title 37, United States Code, is amend-
18 ed by striking “December 31, 2005” and inserting “De-
19 cember 31, 2006”.

20 (b) SPECIAL PAY FOR ENLISTED MEMBERS AS-
21 SIGNED TO CERTAIN HIGH PRIORITY UNITS.—Section
22 308d(c) of such title is amended by striking “December
23 31, 2005” and inserting “December 31, 2006”.

24 (c) READY RESERVE NON-PRIOR SERVICE ENLIST-
25 MENT BONUS.—Section 308g(h) of such title is amended

1 by striking “an enlistment after September 30, 1992.”

2 and inserting “an enlistment—

3 “(1) during the period beginning on October 1,

4 1992, and ending on September 30, 2005; or

5 “(2) after September 30, 2006.”.

6 (d) **READY RESERVE ENLISTMENT AND REENLIST-**

7 **MENT BONUS.**—Section 308h(g) of such title is amended

8 by striking “December 31, 2005” and inserting “Decem-

9 ber 31, 2006”.

10 (e) **PRIOR SERVICE ENLISTMENT BONUS.**—Section

11 308i(f) of such title is amended by striking “December

12 31, 2005” and inserting “December 31, 2006”.

13 **SEC. 612. ONE-YEAR EXTENSION OF CERTAIN BONUS AND**

14 **SPECIAL PAY AUTHORITIES FOR CERTAIN**

15 **HEALTH CARE PROFESSIONALS.**

16 (a) **NURSE OFFICER CANDIDATE ACCESSION PRO-**

17 **GRAM.**—Section 2130a(a)(1) of title 10, United States

18 Code, is amended by striking “December 31, 2005” and

19 inserting “December 31, 2006”.

20 (b) **REPAYMENT OF EDUCATION LOANS FOR CER-**

21 **TAIN HEALTH PROFESSIONALS WHO SERVE IN THE SE-**

22 **LECTED RESERVE.**—Section 16302(d) of such title is

23 amended by striking “before January 1, 2006” and insert-

24 ing “on or before December 31, 2006”.

1 (c) **ACCESSION BONUS FOR REGISTERED NURSES.**—
2 Section 302d(a)(1) of title 37, United States Code, is
3 amended by striking “December 31, 2005” and inserting
4 “December 31, 2006”.

5 (d) **INCENTIVE SPECIAL PAY FOR NURSE ANES-**
6 **THETISTS.**—Section 302e(a)(1) of such title is amended
7 by striking “December 31, 2005” and inserting “Decem-
8 ber 31, 2006”.

9 (e) **SPECIAL PAY FOR SELECTED RESERVE HEALTH**
10 **PROFESSIONALS IN CRITICALLY SHORT WARTIME SPE-**
11 **CIALTIES.**—Section 302g(f) of such title is amended by
12 striking “December 31, 2005” and inserting “December
13 31, 2006”.

14 (f) **ACCESSION BONUS FOR DENTAL OFFICERS.**—
15 Section 302h(a)(1) of such title is amended by striking
16 “December 31, 2005” and inserting “December 31,
17 2006”.

18 (g) **ACCESSION BONUS FOR PHARMACY OFFICERS.**—
19 Section 302j(a) of such title is amended by striking “the
20 date of the enactment of the Floyd D. Spence National
21 Defense Authorization Act for Fiscal Year 2001 and end-
22 ing on September 30, 2005” and inserting “October 30,
23 2000, and ending on December 31, 2006”.

1 **SEC. 613. ONE-YEAR EXTENSION OF SPECIAL PAY AND**
2 **BONUS AUTHORITIES FOR NUCLEAR OFFI-**
3 **CERS.**

4 (a) SPECIAL PAY FOR NUCLEAR-QUALIFIED OFFI-
5 CERS EXTENDING PERIOD OF ACTIVE SERVICE.—Section
6 312(e) of title 37, United States Code, is amended by
7 striking “December 31, 2005” and inserting “December
8 31, 2006”.

9 (b) NUCLEAR CAREER ACCESSION BONUS.—Section
10 312b(c) of such title is amended by striking “December
11 31, 2005” and inserting “December 31, 2006”.

12 (c) NUCLEAR CAREER ANNUAL INCENTIVE
13 BONUS.—Section 312c(d) of such title is amended by
14 striking “December 31, 2005” and inserting “December
15 31, 2006”.

16 **SEC. 614. ONE-YEAR EXTENSION OF OTHER BONUS AND**
17 **SPECIAL PAY AUTHORITIES.**

18 (a) AVIATION OFFICER RETENTION BONUS.—Sec-
19 tion 301b(a) of title 37, United States Code, is amended
20 by striking “December 31, 2005” and inserting “Decem-
21 ber 31, 2006”.

22 (b) ASSIGNMENT INCENTIVE PAY.—Section 307a(f)
23 of such title is amended by striking “December 31, 2006”
24 and inserting “December 31, 2007”.

25 (c) REENLISTMENT BONUS FOR ACTIVE MEM-
26 BERS.—Section 308(g) of such title is amended by strik-

1 ing “December 31, 2005” and inserting “December 31,
2 2006”.

3 (d) ENLISTMENT BONUS FOR ACTIVE MEMBERS.—
4 Section 309(e) of such title is amended by striking “De-
5 cember 31, 2005” and inserting “December 31, 2006”.

6 (e) RETENTION BONUS FOR MEMBERS WITH CRIT-
7 ICAL MILITARY SKILLS.—Section 323(i) of such title is
8 amended by striking “December 31, 2005” and inserting
9 “December 31, 2006”.

10 (f) ACCESSION BONUS FOR NEW OFFICERS IN CRIT-
11 ICAL SKILLS.—Section 324(g) of such title is amended by
12 striking “December 31, 2005” and inserting “December
13 31, 2006”.

14 **SEC. 615. PAYMENT AND REPAYMENT OF ASSIGNMENT IN-**
15 **CENTIVE PAY.**

16 (a) FLEXIBLE PAYMENT.—Section 307a of title 37,
17 United States Code, is amended—

18 (1) in subsection (a)—

19 (A) by striking “monthly”; and

20 (B) by adding at the end the following new
21 sentence: “Incentive pay payable under this sec-
22 tion may be paid on a monthly basis, in a lump
23 sum, or in installments.”;

24 (2) in subsection (b)—

1 (A) by inserting “(1)” before “The Sec-
2 retary concerned”;

3 (B) in paragraph (1), as so designated, by
4 striking “incentive pay” in the first sentence
5 and inserting “the payment of incentive pay on
6 a monthly basis”; and

7 (C) by adding at the end the following new
8 paragraph:

9 “(2) The Secretary concerned shall require a member
10 performing service in an assignment designated under
11 subsection (a) to enter into a written agreement with the
12 Secretary in order to qualify for the payment of incentive
13 pay on a lump sum or installment basis under this section.
14 The written agreement shall specify the period for which
15 the incentive pay will be paid to the member and, subject
16 to subsection (c), the amount of the lump sum, or each
17 installment, of the incentive pay.”; and

18 (3) by striking subsection (c) and inserting the
19 following new subsection (c):

20 “(c) MAXIMUM RATE OR AMOUNT.—(1) The max-
21 imum monthly rate of incentive pay payable to a member
22 on a monthly basis under this section is \$1,500.

23 “(2) The amount of the lump sum payment of incen-
24 tive pay payable to a member on a lump sum basis under

1 this section may not exceed an amount equal to the prod-
2 uct of—

3 “(A) the maximum monthly rate authorized
4 under paragraph (1) at the time of the written
5 agreement of the member under subsection (b)(2);
6 and

7 “(B) the number of months in the period for
8 which incentive pay will be paid pursuant to the
9 agreement.

10 “(3) The amount of each installment payment of in-
11 centive pay payable to a member on an installment basis
12 under this section shall be the amount equal to—

13 “(A) the product of (i) a monthly rate specified
14 in the written agreement of the member under sub-
15 section (b)(2) (which monthly rate may not exceed
16 the maximum monthly rate authorized under para-
17 graph (1) at the time of the written agreement), and
18 (ii) the number of months in the period for which
19 incentive pay will be paid; divided by

20 “(B) the number of installments over such pe-
21 riod.

22 “(4) If a member extends an assignment specified in
23 an agreement with the Secretary under subsection (b), in-
24 centive pay for the period of the extension may be paid

1 under this section on a monthly basis, in a lump sum, or
2 in installments in accordance with this section.”.

3 (b) REPAYMENT.—Such section is further amend-
4 ed—

5 (1) by redesignating subsections (d), (e), and
6 (f) as subsections (e), (f), and (g), respectively; and

7 (2) by inserting after subsection (c), as amend-
8 ed by subsection (a)(3) of this section, the following
9 new subsection (d):

10 “(d) REPAYMENT OF INCENTIVE PAY.—(1)(A) A
11 member who, pursuant to an agreement under subsection
12 (b)(2), receives a lump sum or installment payment of in-
13 centive pay under this section and who fails to complete
14 the total period of service or other conditions specified in
15 the agreement voluntarily or because of misconduct, shall
16 refund to the United States an amount equal to the per-
17 centage of incentive pay paid which is equal to the unex-
18 pired portion of the service divided by the total period of
19 service.

20 “(B) The Secretary concerned may waive repayment
21 of an amount of incentive pay under subparagraph (A),
22 whether in whole or in part, if the Secretary determines
23 that conditions and circumstances warrant.

1 “(2) An obligation to repay the United States im-
2 posed under paragraph (1) is for all purposes a debt owed
3 to the United States.

4 “(3) A discharge in bankruptcy under title 11 that
5 is entered less than 5 years after the termination of the
6 agreement does not discharge the member signing the
7 agreement from a debt arising under paragraph (1).”.

8 **SEC. 616. INCREASE IN AMOUNT OF SELECTIVE REENLIST-**
9 **MENT BONUS FOR CERTAIN SENIOR SUPER-**
10 **VISORY NUCLEAR QUALIFIED ENLISTED PER-**
11 **SONNEL.**

12 (a) IN GENERAL.—Section 308 of title 37, United
13 States Code, is amended—

14 (1) by redesignating subsections (b) through (g)
15 as subsections (c) through (h), respectively; and

16 (2) by inserting after subsection (a) the fol-
17 lowing new subsection (b):

18 “(b)(1) An enlisted member of the naval service
19 who—

20 “(A) has completed at least ten, but not more
21 than fourteen, years of active duty;

22 “(B) is currently qualified for duty in connec-
23 tion with the supervision, operation, and mainte-
24 nance of naval nuclear propulsion plants;

1 “(C) is qualified in a military skill designated
2 as critical by the Secretary of Defense; and

3 “(D) reenlists or voluntarily extends the mem-
4 ber’s enlistment for a period of at least three years
5 in the regular component of the naval service,
6 may be paid a bonus as provided in paragraph (2).

7 “(2) The bonus to be paid a member under para-
8 graph (1) may not exceed the lesser of the following
9 amounts:

10 “(A) The amount determined with respect to
11 the member in accordance with subsection (a)(2)(A).

12 “(B) \$75,000.

13 “(3) Subsection (a)(3) applies to the computation
14 under paragraph (2)(A) of any bonus payable under this
15 subsection.

16 “(4) Subsection (a)(4) applies to the payment of any
17 bonus payable under this subsection.”.

18 (b) EFFECTIVE DATE.—The amendments made by
19 this section shall take effect on October 1, 2005, and shall
20 apply with respect to reenlistments or voluntary extensions
21 of enlistments that occur on or after that date.

1 **SEC. 617. CONSOLIDATION AND MODIFICATION OF BO-**
 2 **NUSES FOR AFFILIATION OR ENLISTMENT IN**
 3 **THE SELECTED RESERVE.**

4 (a) CONSOLIDATION AND MODIFICATION OF BO-
 5 NUSES.—Section 308c of title 37, United States Code, is
 6 amended to read as follows:

7 **“§ 308c. Special pay: bonus for affiliation or enlist-**
 8 **ment in the Selected Reserve**

9 “(a) AFFILIATION BONUS AUTHORIZED.—Under
 10 regulations prescribed by the Secretary of Defense, the
 11 Secretary concerned may pay an affiliation bonus to an
 12 enlisted member of an armed force who—

13 “(1) has completed fewer than 20 years of mili-
 14 tary service; and

15 “(2) executes a written agreement to serve in
 16 the Selected Reserve of the Ready Reserve of an
 17 armed force for a period of not less than three years
 18 in a skill, unit, or pay grade designated under sub-
 19 section (b) after being discharged or released from
 20 active duty under honorable conditions.

21 “(b) DESIGNATION OF SKILLS, UNITS, AND PAY
 22 GRADES.—The Secretary concerned shall designate the
 23 skills, units, and pay grades for which an affiliation bonus
 24 may be paid under subsection (a). Any skill, unit, or pay
 25 grade so designated shall be a skill, unit, or pay grade
 26 for which there is a critical need for personnel in the Se-

1 lected Reserve of the Ready Reserve of an armed force,
2 as determined by the Secretary concerned.

3 “(c) ACCESSION BONUS AUTHORIZED.—Under regu-
4 lations prescribed by the Secretary of Defense, the Sec-
5 retary concerned may pay an accession bonus to a person
6 who—

7 “(1) has not previously served in the armed
8 forces; and

9 “(2) executes a written agreement to serve as
10 an enlisted member in the Selected Reserve of the
11 Ready Reserve of an armed force for a period of not
12 less than three years upon acceptance of the agree-
13 ment by the Secretary concerned.

14 “(d) LIMITATION ON AMOUNT OF BONUS.—The
15 amount of a bonus under subsection (a) or (c) may not
16 exceed \$10,000.

17 “(e) PAYMENT METHOD.—Upon acceptance of a
18 written agreement by the Secretary concerned, the total
19 amount of the bonus payable under the agreement be-
20 comes fixed. The agreement shall specify whether the
21 bonus shall be paid by the Secretary concerned in a lump
22 sum or in installments.

23 “(f) CONTINUED ENTITLEMENT TO BONUS PAY-
24 MENTS.—A member entitled to a bonus under this section
25 who is called or ordered to active duty shall be paid, dur-

1 ing that period of active duty, any amount of the bonus
2 that becomes payable to the member during that period
3 of active duty.

4 “(g) REPAYMENT FOR FAILURE TO COMMENCE OR
5 COMPLETE OBLIGATED SERVICE.—(1) An individual who,
6 after being paid all or part of a bonus under an agreement
7 under subsection (a) or (c), does not commence to serve
8 in the Selected Reserve or does not satisfactorily partici-
9 pate in the Selected Reserve for the total period of service
10 specified in such agreement shall repay to the United
11 States the amount of such bonus so paid, except as other-
12 wise prescribed under paragraph (2).

13 “(2) The Secretary concerned shall prescribe in regu-
14 lations whether repayment of an amount otherwise re-
15 quired under paragraph (1) shall be made in whole or in
16 part, the method for computing the amount of such repay-
17 ment, and any conditions under which an exception to re-
18 quired repayment would apply.

19 “(3) An obligation to repay the United States im-
20 posed under paragraph (1) is for all purposes a debt owed
21 to the United States. A discharge in bankruptcy under
22 title 11 that is entered less than five years after the termi-
23 nation of an agreement entered into under subsection (a)
24 or (c) does not discharge the individual signing the agree-

1 ment from a debt arising under such agreement or under
2 paragraph (1).

3 “(h) TERMINATION OF BONUS AUTHORITY.—No
4 bonus may be paid under this section with respect to any
5 agreement entered into under subsection (a) or (c) after
6 December 31, 2006.”.

7 (b) REPEAL OF SUPERSEDED AFFILIATION BONUS
8 AUTHORITY.—Section 308e of such title is repealed.

9 (c) CLERICAL AMENDMENTS.—The table of sections
10 at the beginning of chapter 5 of such title is amended—

11 (1) by striking the item relating to section 308c
12 and inserting the following new item:

“308e. Special pay: bonus for affiliation or enlistment in the Selected Reserve.”;

13 and

14 (B) by striking the item relating to section
15 308e.

16 (d) EFFECTIVE DATE.—The amendments made by
17 this section shall take effect on October 1, 2005, and shall
18 apply with respect to agreements entered into under sec-
19 tion 308c of title 37, United States Code (as amended by
20 subsection (a)), on or after that date.

1 **SEC. 618. EXPANSION AND ENHANCEMENT OF SPECIAL PAY**
2 **FOR ENLISTED MEMBERS OF THE SELECTED**
3 **RESERVE ASSIGNED TO CERTAIN HIGH PRI-**
4 **ORITY UNITS.**

5 (a) **ELIGIBILITY FOR PAY.**—Subsection (a) of section
6 308d of title 37, United States Code, is amended by strik-
7 ing “an enlisted member” and inserting “a member”.

8 (b) **AMOUNT OF PAY.**—Such subsection is further
9 amended by striking “\$10” and inserting “\$50”.

10 (c) **CONFORMING AND CLERICAL AMENDMENTS.**—

11 (1) **CONFORMING AMENDMENT.**—The heading
12 of such section is amended to read as follows:

13 **“§ 308d. Special pay: members of the Selected Re-**
14 **serve assigned to certain high priority**
15 **units”.**

16 (2) **CLERICAL AMENDMENT.**—The table of sec-
17 tions at the beginning of chapter 5 of such title is
18 amended by striking the item relating to section
19 308d and inserting the following new item:

“308d. Special pay: members of the Selected Reserve assigned to certain high
priority units.”.

20 (d) **EFFECTIVE DATE.**—The amendments made by
21 this section shall take effect on October 1, 2005, and shall
22 apply to inactive-duty training performed on or after that
23 date.

1 **SEC. 619. RETENTION INCENTIVE BONUS FOR MEMBERS OF**
2 **THE SELECTED RESERVE QUALIFIED IN A**
3 **CRITICAL MILITARY SKILL OR SPECIALTY.**

4 (a) BONUS AUTHORIZED.—

5 (1) IN GENERAL.—Chapter 5 of title 37, United
6 States Code, is amended by inserting after section
7 308j the following new section:

8 **“§ 308k. Special pay: retention incentive bonus for**
9 **members of the Selected Reserve quali-**
10 **fied in a critical military skill or specialty**

11 **“(a) RETENTION BONUS AUTHORIZED.—An eligible**
12 **officer or enlisted member of the armed forces may be paid**
13 **a retention bonus as provided in this section if—**

14 **“(1) in the case of an officer or warrant officer,**
15 **the member executes a written agreement to remain**
16 **in the Selected Reserve for at least 2 years;**

17 **“(2) in the case of an enlisted member, the**
18 **member reenlists or voluntarily extends the mem-**
19 **ber’s enlistment in the Selected Reserve for a period**
20 **of at least 2 years; or**

21 **“(3) in the case of an enlisted member serving**
22 **on an indefinite reenlistment, the member executes**
23 **a written agreement to remain in the Selected Re-**
24 **serve for at least 2 years.**

1 “(b) ELIGIBLE MEMBERS.—Subject to subsection
2 (d), an officer or enlisted member is eligible for a bonus
3 under this section if the member—

4 “(1) is qualified in a military skill or specialty
5 designated as critical for purposes of this section
6 under subsection (c); or

7 “(2) agrees to train or retrain in a military skill
8 or specialty so designated as critical.

9 “(c) DESIGNATION OF CRITICAL SKILLS OR SPECIAL-
10 TIES.—The Secretary of Defense shall designate the mili-
11 tary skills and specialties that shall be treated as critical
12 military skills and specialties for purposes of this section.

13 “(d) CERTAIN MEMBERS INELIGIBLE.—A bonus may
14 not be paid under subsection (a) to a member of the armed
15 forces who—

16 “(1) has completed more than 25 years of
17 qualifying service under section 12732 of title 10; or

18 “(2) will complete the member’s twenty-fifth
19 year of qualifying service under section 12732 of
20 title 10 before the end of the period of service for
21 which the bonus is being offered.

22 “(e) MAXIMUM BONUS AMOUNT.—A member may
23 enter into an agreement under this section, or reenlist or
24 voluntarily extend the member’s enlistment, more than
25 once to receive a bonus under this section. However, a

1 member may not receive a total of more than \$100,000
2 in payments under this section.

3 “(f) PAYMENT METHODS.—(1) A bonus under sub-
4 section (a) may be paid in a single lump sum or in install-
5 ments.

6 “(2) In the case of a member who agrees to train
7 or retrain in a military skill or specialty designated as crit-
8 ical under subsection (b)(2), no payment may be made
9 until the member successfully completes the training or
10 retraining and is qualified in such skill or specialty.

11 “(g) RELATIONSHIP TO OTHER INCENTIVES.—A
12 bonus paid to a member under subsection (a) is in addi-
13 tion to any other pay and allowances to which the member
14 is entitled under any other provision of law.

15 “(h) REPAYMENT FOR FAILURE TO COMMENCE OR
16 COMPLETE OBLIGATED SERVICE.—(1) An individual who,
17 after receiving all or part of the bonus under an agree-
18 ment, or a reenlistment or voluntary extension of enlist-
19 ment, referred to in subsection (a), does not commence
20 to serve in the Selected Reserve, or does not satisfactorily
21 participate in the Selected Reserve for the total period of
22 service specified in the agreement, or under such reenlist-
23 ment or voluntary extension of enlistment, as applicable,
24 shall repay to the United States such bonus, except under
25 conditions established by the Secretary concerned.

1 “(2) The Secretary concerned shall establish, in ac-
2 cordance with the regulations prescribed under subsection
3 (i)—

4 “(A) whether repayment of a bonus under para-
5 graph (1) is required in whole or in part;

6 “(B) the method for computing the amount of
7 such repayment; and

8 “(C) the conditions under which an exception to
9 repayment otherwise required under that paragraph
10 would apply.

11 “(3) An obligation to repay the United States im-
12 posed under paragraph (1) is for all purposes a debt owed
13 to the United States. A discharge in bankruptcy under
14 title 11 that is entered less than 5 years after the termi-
15 nation of an agreement under subsection (a), or a reenlist-
16 ment or voluntary extension of enlistment under sub-
17 section (a), does not discharge the individual signing the
18 agreement, reenlisting, or voluntarily extending enlist-
19 ment, as applicable, from a debt arising under paragraph
20 (1).

21 “(i) REGULATIONS.—This section shall be adminis-
22 tered under regulations prescribed by the Secretary of De-
23 fense.

24 “(j) TERMINATION OF AUTHORITY.—No bonus may
25 be paid under this section with respect to any agreement,

1 reenlistment, or voluntary extension of enlistment in the
2 armed forces entered into after December 31, 2006.”.

3 (2) CLERICAL AMENDMENT.—The table of sec-
4 tions at the beginning of chapter 5 of such title is
5 amended by inserting after the item relating to sec-
6 tion 308j the following new item:

“308k. Special pay: retention incentive bonus for members of the Selected Re-
serve qualified in a critical military skill or specialty.”.

7 (b) EFFECTIVE DATE.—The amendments made by
8 this section shall take effect on October 1, 2005.

9 **SEC. 620. TERMINATION OF LIMITATION ON DURATION OF**
10 **PAYMENT OF IMMINENT DANGER SPECIAL**
11 **PAY DURING HOSPITALIZATION.**

12 (a) TERMINATION OF LIMITATION.—Section 310(b)
13 of title 37, United States Code, is amended by striking
14 “not more than three additional months” and inserting
15 “any month, or any portion of a month,”.

16 (b) EFFECTIVE DATE.—The amendment made by
17 subsection (a) shall take effect on the date of the enact-
18 ment of this Act, and shall apply with respect to months
19 beginning on or after that date.

20 **SEC. 621. AUTHORITY FOR RETROACTIVE PAYMENT OF IM-**
21 **MINENT DANGER SPECIAL PAY.**

22 Section 310 of title 37, United States Code, is
23 amended—

1 (1) by redesignating subsections (b), (c), and
2 (d) as subsections (c), (d), and (e), respectively; and

3 (2) by inserting after subsection (a) the fol-
4 lowing new subsection:

5 “(b) DATE OF COMMENCEMENT OF PAYMENT OF IM-
6 MINENT DANGER PAY.—Payment of special pay under
7 this section to a member covered by subsection (a)(2)(D)
8 may be made from any date, as determined by the Sec-
9 retary of Defense, on or after which such member was as-
10 signed to duty in a foreign area determined by the Sec-
11 retary to be covered by such subsection.”.

12 **SEC. 622. AUTHORITY TO PAY FOREIGN LANGUAGE PRO-**
13 **FICIENCY PAY TO MEMBERS ON ACTIVE DUTY**
14 **AS A BONUS.**

15 (a) AUTHORITY TO PAY.—Section 316 of title 37,
16 United States Code, is amended—

17 (1) in subsection (a)—

18 (A) by inserting “OR BONUS” after “SPE-
19 CIAL PAY”; and

20 (B) by inserting “or a bonus” after
21 “monthly special pay”;

22 (2) in subsection (d)—

23 (A) by redesignating paragraph (2) as
24 paragraph (3); and

1 (B) by inserting after paragraph (1) the
2 following new paragraph (2):

3 “(2) The amount of the bonus paid under subsection
4 (a) may not exceed \$12,000 for the one-year period cov-
5 ered by the certification of the member. The Secretary
6 concerned may pay the bonus in a single lump sum at
7 the beginning of the certification period or in installments
8 during the certification period.”; and

9 (3) in subsection (f)(1)(C), by inserting “or a
10 bonus” after “special pay”.

11 (b) EFFECTIVE DATE.—The amendments made by
12 this section shall take effect on October 1, 2005.

13 **SEC. 623. INCENTIVE BONUS FOR TRANSFER BETWEEN THE**
14 **ARMED FORCES.**

15 (a) IN GENERAL.—Chapter 5 of title 37, United
16 States Code, is amended by adding at the end the fol-
17 lowing new section:

18 **“§ 327. Incentive bonus: transfer between armed**
19 **forces**

20 “(a) INCENTIVE BONUS AUTHORIZED.—A bonus
21 under this section may be paid to an eligible member of
22 a regular component or reserve component of an armed
23 force who executes a written agreement—

1 “(1) to transfer from such regular component
2 or reserve component to a regular component or re-
3 serve component of another armed force; and

4 “(2) to serve pursuant to such agreement for a
5 period of not less than three years in the component
6 to which transferred.

7 “(b) ELIGIBLE MEMBERS.—A member is eligible to
8 enter into an agreement under subsection (a) if, as of the
9 date of the agreement, the member—

10 “(1) has not failed to satisfactorily complete
11 any term of enlistment in the armed forces;

12 “(2) is eligible for reenlistment in the armed
13 forces or, in the case of an officer, is eligible to con-
14 tinue in service in a regular or reserve component of
15 the armed forces; and

16 “(3) has fulfilled such requirements for transfer
17 to the component of the armed force to which the
18 member will transfer as the Secretary having juris-
19 diction over such armed force shall establish.

20 “(c) LIMITATION.—A member may enter into an
21 agreement under subsection (a) to transfer to a regular
22 component or reserve component of another armed force
23 only if the Secretary having jurisdiction over such armed
24 force determines that there is shortage of trained and
25 qualified personnel in such component.

1 “(d) AMOUNT AND PAYMENT OF BONUS.—(1) A
2 bonus under this section may not exceed \$2,500.

3 “(2) A bonus under this section shall be paid by the
4 Secretary having jurisdiction of the armed force to which
5 the member to be paid the bonus is transferring.

6 “(3) A bonus under this section shall, at the election
7 of the Secretary paying the bonus—

8 “(A) be disbursed to the member in one lump
9 sum when the transfer for which the bonus is paid
10 is approved by the chief personnel officer of the
11 armed force to which the member is transferring; or

12 “(B) be paid to the member in annual install-
13 ments in such amounts as may be determined by the
14 Secretary paying the bonus.

15 “(e) RELATIONSHIP TO OTHER PAY AND ALLOW-
16 ANCES.—A bonus paid to a member under this section is
17 in addition to any other pay and allowances to which the
18 member is entitled.

19 “(f) REPAYMENT OF BONUS.—(1) A member who is
20 paid a bonus under an agreement under this section and
21 who, voluntarily or because of misconduct, fails to serve
22 for the period covered by such agreement shall refund to
23 the United States an amount which bears the same ratio
24 to the amount of the bonus paid such member as the pe-

1 riod which such member failed to serve bears to the total
2 period for which the bonus was paid.

3 “(2) An obligation to reimburse the United States
4 imposed under paragraph (1) is for all purposes a debt
5 owed to the United States.

6 “(3) A discharge in bankruptcy under title 11 that
7 is entered less than 5 years after the termination of an
8 agreement under this section does not discharge the per-
9 son signing such agreement from a debt arising under
10 paragraph (1).

11 “(g) REGULATIONS.—The Secretaries concerned
12 shall prescribe regulations to carry out this section. Regu-
13 lations prescribed by the Secretary of a military depart-
14 ment under this subsection shall be subject to the approval
15 of the Secretary of Defense.

16 “(h) TERMINATION OF AUTHORITY.—No agreement
17 under this section may be entered into after December 31,
18 2006.”.

19 (b) CLERICAL AMENDMENT.—The table of sections
20 at the beginning of chapter 5 of such title is amended by
21 adding at the end the following new item:

“327. Incentive bonus: transfer between armed forces.”.

1 **Subtitle C—Travel and**
2 **Transportation Allowances**

3 **SEC. 631. TRANSPORTATION OF FAMILY MEMBERS IN CON-**
4 **NECTION WITH THE REPATRIATION OF**
5 **SERVICEMEMBERS OR CIVILIAN EMPLOYEES**
6 **HELD CAPTIVE.**

7 (a) **MILITARY CAPTIVES.**—(1) Chapter 7 of title 37,
8 United States Code, is amended by inserting after section
9 411i the following new section:

10 **“§ 411j. Travel and transportation allowances: trans-**
11 **portation of family members incident to**
12 **the repatriation of members held captive**

13 “(a) **ALLOWANCE FOR FAMILY MEMBERS AND CER-**
14 **TAIN OTHERS.**—(1) Under uniform regulations prescribed
15 by the Secretaries concerned, travel and transportation de-
16 scribed in subsection (d) may be provided for not more
17 than 3 family members of a member described in sub-
18 section (b).

19 “(2) In addition to the family members authorized
20 to be provided travel and transportation under paragraph
21 (1), the Secretary concerned may provide travel and trans-
22 portation described in subsection (d) to an attendant to
23 accompany a family member described in that paragraph
24 if the Secretary determines that—

1 “(A) the family member to be accompanied is
2 unable to travel unattended because of age, physical
3 condition, or other reason determined by the Sec-
4 retary; and

5 “(B) no other family member who is eligible for
6 travel and transportation under paragraph (1) is
7 able to serve as an attendant for the family member.

8 “(3) If no family member of a member described in
9 subsection (b) is able to travel to the repatriation site of
10 the member, travel and transportation described in sub-
11 section (d) may be provided to not more than 2 persons
12 related to and selected by the member.

13 “(b) COVERED MEMBERS.—A member described in
14 this subsection is a member of the uniformed services
15 who—

16 “(1) is serving on active duty;

17 “(2) was held captive, as determined by the
18 Secretary concerned; and

19 “(3) is repatriated to a site inside or outside
20 the United States.

21 “(c) ELIGIBLE FAMILY MEMBERS.—In this section,
22 the term ‘family member’ has the meaning given the term
23 in section 411h(b) of this title.

24 “(d) TRAVEL AND TRANSPORTATION AUTHOR-
25 IZED.—(1) The transportation authorized by subsection

1 (a) is round-trip transportation between the home of the
2 family member (or home of the attendant or person pro-
3 vided transportation under paragraph (2) or (3) of sub-
4 section (a), as the case may be) and the location of the
5 repatriation site at which the member is located.

6 “(2) In addition to the transportation authorized by
7 subsection (a), the Secretary concerned may provide a per
8 diem allowance or reimbursement for the actual and nec-
9 essary expenses of the travel, or a combination thereof,
10 but not to exceed the rates established for such allowances
11 and expenses under section 404(d) of this title.

12 “(3) The transportation authorized by subsection (a)
13 may be provided by any of the means described in section
14 411h(d)(1) of this title.

15 “(4) An allowance under this subsection may be paid
16 in advance.

17 “(5) Reimbursement payable under this subsection
18 may not exceed the cost of government-procured round-
19 trip air travel.”.

20 (2) The table of sections at the beginning of chapter
21 7 of such title is amended by inserting after the item relat-
22 ing to section 411i the following new item:

“411j. Travel and transportation allowances: transportation of family members
incident to the repatriation of members held captive.”.

1 (b) CIVILIAN CAPTIVES.—(1) Chapter 57 of title 5,
2 United States Code, is amended by adding at the end the
3 following new section:

4 **“§ 5760. Travel and transportation allowances: trans-**
5 **portation of family members incident to**
6 **the repatriation of employees held cap-**
7 **tive**

8 “(a) ALLOWANCE FOR FAMILY MEMBERS AND CER-
9 TAIN OTHERS.—(1) Under uniform regulations prescribed
10 by the heads of agencies, travel and transportation de-
11 scribed in subsection (d) may be provided for not more
12 than 3 family members of an employee described in sub-
13 section (b).

14 “(2) In addition to the family members authorized
15 to be provided travel and transportation under paragraph
16 (1), the head of an agency may provide travel and trans-
17 portation described in subsection (d) to an attendant to
18 accompany a family member described in subsection (b)
19 if the head of an agency determines—

20 “(A) the family member to be accompanied is
21 unable to travel unattended because of age, physical
22 condition, or other reason determined by the head of
23 the agency; and

1 “(B) no other family member who is eligible for
2 travel and transportation under subsection (a) is
3 able to serve as an attendant for the family member.

4 “(3) If no family member of an employee described
5 in subsection (b) is able to travel to the repatriation site
6 of the employee, travel and transportation described in
7 subsection (d) may be provided to not more than 2 persons
8 related to and selected by the employee.

9 “(b) COVERED EMPLOYEES.—An employee described
10 in this subsection is an employee (as defined in section
11 2105 of this title) who—

12 “(1) was held captive, as determined by the
13 head of an agency concerned; and

14 “(2) is repatriated to a site inside or outside
15 the United States.

16 “(c) ELIGIBLE FAMILY MEMBERS.—In this section,
17 the term ‘family member’ has the meaning given the term
18 in section 411h(b) of title 37.

19 “(d) TRAVEL AND TRANSPORTATION AUTHOR-
20 IZED.—(1) The transportation authorized by subsection
21 (a) is round-trip transportation between the home of the
22 family member (or home of the attendant or person pro-
23 vided transportation under paragraph (2) or (3) of sub-
24 section (a), as the case may be) and the location of the
25 repatriation site at which the employee is located.

1 “(2) In addition to the transportation authorized by
 2 subsection (a), the head of an agency may provide a per
 3 diem allowance or reimbursement for the actual and nec-
 4 essary expenses of the travel, or a combination thereof,
 5 but not to exceed the rates established for such allowances
 6 and expenses under section 404(d) of title 37.

7 “(3) The transportation authorized by subsection (a)
 8 may be provided by any of the means described in section
 9 411h(d)(1) of title 37.

10 “(4) An allowance under this subsection may be paid
 11 in advance.

12 “(5) Reimbursement payable under this subsection
 13 may not exceed the cost of government-procured round-
 14 trip air travel.”

15 (2) The table of sections at the beginning of chapter
 16 57 of such title is amended by adding at the end the fol-
 17 lowing new item:

“5760. Travel and transportation allowances: transportation of family members
 incident to the repatriation of employees held captive.”

18 **Subtitle D—Retired Pay and**
 19 **Survivor Benefits**

20 **SEC. 641. ENHANCEMENT OF DEATH GRATUITY AND LIFE**
 21 **INSURANCE BENEFITS FOR DEATHS FROM**
 22 **COMBAT-RELATED CAUSES OR CAUSES IN-**
 23 **CURRED IN COMBAT OPERATIONS OR AREAS.**

24 (a) INCREASED AMOUNT OF DEATH GRATUITY.—

1 (1) IN GENERAL.—Section 1478 of title 10,
2 United States Code, is amended—

3 (A) in subsection (a), by inserting “, ex-
4 cept as provided in subsection (e)” after
5 “\$12,000”;

6 (B) by redesignating subsection (e) as sub-
7 section (d); and

8 (C) by inserting after subsection (b) the
9 following new subsection (c):

10 “(c) The death gratuity payable under sections 1475
11 through 1477 of this title is \$100,000 in the case of a
12 death resulting from wounds, injuries, or illnesses that
13 are—

14 “(1) incurred as described in section
15 1413a(e)(2) of this title; or

16 “(2) incurred in an operation or area des-
17 ignated as a combat operation or a combat zone, re-
18 spectively, by the Secretary of Defense under section
19 1967(e)(1)(A) of title 38.”.

20 (2) CONFORMING AMENDMENT.—Subsection (a)
21 of such section, as amended by paragraph (1), is
22 further amended by striking “(as adjusted under
23 subsection (e))” and inserting “(as adjusted under
24 subsection (d))”.

1 (3) EFFECTIVE DATE.—The amendments made
2 by this subsection shall take effect on October 1,
3 2005, immediately after the termination of the
4 amendments made to section 1478 of title 10,
5 United States Code, by the Emergency Supple-
6 mental Appropriations Act for Defense, the Global
7 War on Terror, and Tsunami Relief, 2005 (Public
8 Law 109–13), and shall apply with respect to deaths
9 occurring on or after that date.

10 (b) SERVICEMEMBERS’ GROUP LIFE INSURANCE EN-
11 HANCEMENTS.—

12 (1) INCREASED MAXIMUM AMOUNT OF SGLI.—
13 Section 1967 of title 38, United States Code, is
14 amended—

15 (A) in subsection (a)(3)(A), by striking
16 clause (i) and inserting the following new
17 clause:

18 “(i) In the case of a member—

19 “(I) \$400,000 or such lesser amount as
20 the member may elect as provided in subpara-
21 graph (B);

22 “(II) in the case of a member covered by
23 subsection (e), the amount provided for or elect-
24 ed by the member under subclause (I) plus the

1 additional amount of insurance provided for the
2 member by subsection (e); or

3 “(III) in the case of a member covered by
4 subsection (e) who has made an election under
5 paragraph (2)(A) not to be insured under this
6 subchapter, the amount of insurance provided
7 for the member by subsection (e).”; and

8 (B) in subsection (d), by striking
9 “\$250,000” and inserting “\$400,000”.

10 (2) INCREMENTS OF DECREASED AMOUNTS
11 ELECTABLE BY MEMBERS.—Subsection (a)(3)(B) of
12 such section is amended by striking “member or
13 spouse” in the last sentence and inserting “member,
14 be evenly divisible by \$50,000 and, in the case of a
15 member’s spouse”.

16 (3) ADDITIONAL AMOUNT FOR MEMBERS SERV-
17 ING IN CERTAIN AREAS OR OPERATIONS.—

18 (A) INCREASED AMOUNT.—Section 1967
19 of such title is further amended—

20 (i) by redesignating subsection (e) as
21 subsection (f); and

22 (ii) by inserting after subsection (d)
23 the following new subsection (e):

24 “(e)(1) A member covered by this subsection is any
25 member as follows:

1 “(A) Any member who dies as a result of one
2 or more wounds, injuries, or illnesses incurred while
3 serving in an operation or area that the Secretary of
4 Defense designates, in writing, as a combat oper-
5 ation or a zone of combat, respectively, for purposes
6 of this subsection.

7 “(B) Any member who formerly served in an
8 operation or area so designated and whose death is
9 determined (under regulations prescribed by the Sec-
10 retary of Defense) to be the direct result of injury
11 or illness incurred or aggravated while so serving.

12 “(2) The additional amount of insurance under this
13 subchapter that is provided for a member by this sub-
14 section is \$150,000, except that in a case in which the
15 amount provided for or elected by the member under sub-
16 section (a)(3)(A)(i)(I) exceeds \$250,000, the additional
17 amount of insurance under this subchapter that is pro-
18 vided for the member by this subsection shall be reduced
19 to such amount as is necessary to comply with the limita-
20 tion in paragraph (3).

21 “(3) The total amount of insurance payable for a
22 member under this subchapter may not exceed \$400,000.

23 “(4) While a member is serving in an operation or
24 area designated as described in paragraph (1), the cost
25 of insurance of the member under this subchapter that

1 is attributable to \$150,000 of insurance coverage shall,
2 at the election of the Secretary concerned—

3 “(A) be contributed as provided in section
4 1969(b)(2) of this title, rather through deduction or
5 withholding from the member’s pay; or

6 “(B) if deducted or withheld from the member’s
7 pay, be reimbursed to the member through such
8 mechanism as the Secretary concerned determines
9 appropriate.”.

10 (B) FUNDING.—Section 1969(b) of such
11 title is amended—

12 (i) by inserting “(1)” after “(b)”; and

13 (ii) by adding at the end the following
14 new paragraph:

15 “(2) For each month for which a member insured
16 under this subchapter is serving in an operation or area
17 designated as described by paragraph (1)(A) of section
18 1967(e) of this title, there may, at the election of the Sec-
19 retary concerned under paragraph (4)(A) of such section,
20 be contributed from the appropriation made for active
21 duty pay of the uniformed service concerned an amount
22 determined by the Secretary and certified to the Secretary
23 concerned to be the cost of Servicemembers’ Group Life
24 Insurance which is traceable to the cost of providing insur-

1 ance for the member under section 1967 of this title in
2 the amount of \$150,000.”.

3 (4) CONFORMING AMENDMENT.—Section
4 1967(a)(2)(A) of such title is amended by inserting
5 before the period at the end the following: “, except
6 with respect to insurance provided under paragraph
7 (3)(A)(i)(III)”.

8 (5) COORDINATION WITH VGLI.—Section
9 1977(a) of such title is amended—

10 (A) by striking “\$250,000” each place it
11 appears and inserting “\$400,000”; and

12 (B) by adding at the end of paragraph (1)
13 the following new sentence: “Any additional
14 amount of insurance provided a member under
15 section 1967(e) of this title may not be treated
16 as an amount for which Veterans’ Group Life
17 Insurance shall be issued under this section.”.

18 (6) REQUIREMENTS REGARDING ELECTIONS OF
19 MEMBERS TO REDUCE OR DECLINE INSURANCE.—
20 Section 1967(a) of such title is further amended—

21 (A) in paragraph (2), by adding at the end
22 the following new subparagraph:

23 “(C) Pursuant to regulations prescribed by the Sec-
24 retary of Defense, notice of an election of a member with
25 a spouse not to be insured under this subchapter, or to

1 be insured under this subchapter in an amount less than
2 the maximum amount provided under paragraph
3 (3)(A)(i)(I), shall be provided to the spouse of the mem-
4 ber.”; and

5 (B) in paragraph (3), by adding at the end
6 the following new subparagraph:

7 “(D) Whenever a member who is not married elects
8 not to be insured under this subchapter, or to be insured
9 under this subchapter in an amount less than the max-
10 imum amount provided for under subparagraph (A)(i)(I),
11 the Secretary concerned shall provide a notice of such elec-
12 tion to any person designated by the member as a bene-
13 ficiary or designated as the member’s next-of-kin for the
14 purpose of emergency notification, as determined under
15 regulations prescribed by the Secretary of Defense.”.

16 (7) REQUIREMENT REGARDING REDESIGNATION
17 OF BENEFICIARIES.—Section 1970 of such title is
18 amended by adding at the end the following new
19 subsection:

20 “(j) A member with a spouse may not modify the ben-
21 eficiary or beneficiaries designated by the member under
22 subsection (a) without providing written notice of such
23 modification to the spouse.”.

24 (8) EFFECTIVE DATE.—This subsection and the
25 amendments made by this subsection shall take ef-

1 fect on October 1, 2005, immediately after the ter-
2 mination of the amendments made to sections 1967,
3 1969, 1970, and 1977 of title 38, United States
4 Code, by the Emergency Supplemental Appropria-
5 tions Act for Defense, the Global War on Terror,
6 and Tsunami Relief, 2005 (Public Law 109–13).

7 **Subtitle E—Other Matters**

8 **SEC. 651. PAYMENT OF EXPENSES OF MEMBERS OF THE** 9 **ARMED FORCES TO OBTAIN PROFESSIONAL** 10 **CREDENTIALS.**

11 (a) PAYMENT AUTHORIZED.—Chapter 101 of title
12 10, United States Code, is amended by inserting after sec-
13 tion 2007 the following new section:

14 **“§ 2007a. Payment of expenses of members of the** 15 **armed forces to obtain professional cre-** 16 **dentials**

17 “(a) PAYMENT AUTHORIZED.—Except as provided in
18 subsection (b), the Secretary of Defense may pay for—

19 “(1) expenses of members of the armed forces
20 to obtain professional credentials, including expenses
21 of professional accreditation, State-imposed and pro-
22 fessional licenses, and professional certification; and

23 “(2) examinations to obtain such credentials.

24 “(b) EXCEPTION.—The authority in subsection (a)
25 may not be exercised on behalf of any member of the

1 armed forces for expenses to obtain the basic qualifica-
 2 tions for membership in a profession or officer community.

3 “(c) FUNDS AVAILABLE.—Funds appropriated or
 4 otherwise made available to the Secretary of Defense may
 5 be used to pay expenses under subsection (a).”.

6 (b) CLERICAL AMENDMENT.—The table of sections
 7 at the beginning of such chapter is amended by adding
 8 at the end the following new item:

“2007a. Payment of expenses of members of the armed forces to obtain profes-
 sional credentials.”.

9 **SEC. 652. PILOT PROGRAM ON CONTRIBUTIONS TO THRIFT**

10 **SAVINGS PLAN FOR INITIAL ENLISTEES IN**
 11 **THE ARMED FORCES.**

12 (a) PILOT PROGRAM REQUIRED.—During fiscal year
 13 2006, the Secretary of the Army shall carry out within
 14 the Army a pilot program in order to assess the extent
 15 to which contributions by the military departments to the
 16 Thrift Savings Fund on behalf of members of the Armed
 17 Forces described in subsection (b) would—

18 (1) assist the Armed Forces in recruiting ef-
 19 forts; and

20 (2) assist such members in establishing habits
 21 of financial responsibility during their initial enlist-
 22 ments in the Armed Forces.

23 (b) COVERED MEMBERS.—A member of the Armed
 24 Forces described in this subsection is a member of the

1 Armed Forces who is serving in the Armed Forces under
2 an initial enlistment for a period of not less than two
3 years.

4 (c) CONTRIBUTIONS TO THRIFT SAVINGS FUND.—

5 (1) IN GENERAL.—The Secretary of the Army
6 may make contributions to the Thrift Savings Fund
7 on behalf of any participant in the pilot program
8 under subsection (a) for any pay period during the
9 period of the pilot program.

10 (2) LIMITATIONS.—The amount of any con-
11 tributions made with respect to a member under
12 paragraph (1) shall be subject to the provisions of
13 section 8432(c) of title 5, United States Code.

14 (d) REPORT.—

15 (1) IN GENERAL.—Not later than February 1,
16 2007, the Secretary of Defense shall submit to the
17 congressional defense committees a report on the
18 pilot program under subsection (a).

19 (2) ELEMENTS.—The report shall include the
20 following:

21 (A) A description of the pilot program, in-
22 cluding the number of members of the Army
23 who participated in the pilot program and the
24 contributions made by the Army to the Thrift

1 Savings Fund on behalf of such members dur-
 2 ing the period of the pilot program.

3 (B) An assessment, based on the pilot pro-
 4 gram and taking into account the views of offi-
 5 cers and senior enlisted personnel of the Army,
 6 and of field recruiters, of the extent to which
 7 contributions by the military departments to
 8 the Thrift Savings Fund on behalf of members
 9 of the Armed Forces similar to the participants
 10 in the pilot program—

11 (i) would enhance the recruiting ef-
 12 forts of the Armed Forces; and

13 (ii) would assist such members in es-
 14 tablishing habits of financial responsibility
 15 during their initial enlistments in the
 16 Armed Forces.

17 **TITLE VII—HEALTH CARE**
 18 **Subtitle A—Benefits Matters**

19 **SEC. 701. CLARIFICATION OF ELIGIBILITY OF RESERVE OF-**
 20 **FICERS FOR HEALTH CARE PENDING ACTIVE**
 21 **DUTY FOLLOWING ISSUANCE OF ORDERS TO**
 22 **ACTIVE DUTY.**

23 Section 1074(a)(2)(B)(iii) of title 10, United States
 24 Code, is amended by inserting before the semicolon the

1 following: “, or the orders have been issued but the mem-
2 ber has not entered on active duty”.

3 **SEC. 702. LIMITATION ON DEDUCTIBLE AND COPAYMENT**
4 **REQUIREMENTS FOR NURSING HOME RESI-**
5 **DENTS UNDER THE PHARMACY BENEFITS**
6 **PROGRAM.**

7 Section 1074g(a)(6) of title 10, United States Code,
8 is amended by adding at the end the following new sub-
9 paragraph:

10 “(C) In the case of a beneficiary who is a resident
11 of a nursing home and who is required, by State law, to
12 use nursing home pharmacy services utilizing pre-pack-
13 aged pharmaceuticals, any deductible or copayment re-
14 quirements for such pharmaceuticals under the cost shar-
15 ing requirements may not exceed such deductible or copay-
16 ment requirements as are applicable under the cost shar-
17 ing requirements to a beneficiary who uses a network pro-
18 vider pharmacy under the pharmacy benefits program.”.

19 **SEC. 703. ELIGIBILITY OF SURVIVING ACTIVE DUTY**
20 **SPOUSES OF DECEASED MEMBERS FOR EN-**
21 **ROLLMENT AS DEPENDENTS IN A TRICARE**
22 **DENTAL PLAN.**

23 Section 1076a(k)(2) of title 10, United States Code,
24 is amended—

1 (1) by striking “under subsection (f), or” and
2 inserting “under subsection (f),”; and

3 (2) by inserting after “is not enrolled because
4 the dependent is a child under the minimum age for
5 enrollment,” the following: “or is not enrolled be-
6 cause the dependent is a spouse who did not qualify
7 for enrollment on the date of the member’s death be-
8 cause the spouse was also on active duty for a period
9 of more than 30 days on the date of the member’s
10 death,”.

11 **SEC. 704. INCREASED PERIOD OF CONTINUED TRICARE**
12 **PRIME COVERAGE OF CHILDREN OF MEM-**
13 **BERS OF THE UNIFORMED SERVICES WHO**
14 **DIE WHILE SERVING ON ACTIVE DUTY FOR A**
15 **PERIOD OF MORE THAN 30 DAYS.**

16 (a) PERIOD OF ELIGIBILITY.—Section 1079(g) of
17 title 10, United States Code, is amended—

18 (1) by inserting “(1)” after “(g)”;

19 (2) by striking the second sentence; and

20 (3) by adding at the end the following new
21 paragraph:

22 “(2) In addition to any continuation of eligibility for
23 benefits under paragraph (1), when a member dies while
24 on active duty for a period of more than 30 days, the
25 member’s dependents who are receiving benefits under a

1 plan covered by subsection (a) shall continue to be eligible
2 for benefits under TRICARE Prime during the three-year
3 period beginning on the date of the member's death, ex-
4 cept that, in the case of such a dependent of the deceased
5 who is described by subparagraph (D) or (I) of section
6 1072(2) of this title, the period of continued eligibility
7 shall be the longer of the following periods beginning on
8 such date:

9 “(A) Three years.

10 “(B) The period ending on the date on which
11 such dependent attains 21 years of age.

12 “(C) In the case of such a dependent who, at
13 21 years of age, is enrolled in a full-time course of
14 study in a secondary school or in a full-time course
15 of study in an institution of higher education ap-
16 proved by the administering Secretary and was, at
17 the time of the member's death, in fact dependent
18 on the member for over one-half of such dependent's
19 support, the period ending on the earlier of the fol-
20 lowing dates:

21 “(i) The date on which such dependent
22 ceases to pursue such a course of study, as de-
23 termined by the administering Secretary.

24 “(ii) The date on which such dependent at-
25 tains 23 years of age.

1 “(3) For the purposes of paragraph (2)(C), a depend-
2 ent shall be treated as being enrolled in a full-time course
3 of study in an institution of higher education during any
4 reasonable period of transition between the dependent’s
5 completion of a full-time course of study in a secondary
6 school and the commencement of an enrollment in a full-
7 time course of study in an institution of higher education,
8 as determined by the administering Secretary.

9 “(4) The terms and conditions under which health
10 benefits are provided under this chapter to a dependent
11 of a deceased member under paragraph (2) shall be the
12 same as those that would apply to the dependent under
13 this chapter if the member were living and serving on ac-
14 tive duty for a period of more than 30 days.

15 “(5) In this subsection, the term ‘TRICARE Prime’
16 means the managed care option of the TRICARE pro-
17 gram.”.

18 (b) EFFECTIVE DATE.—The amendments made by
19 subsection (a) shall take effect on October 7, 2001, and
20 shall apply with respect to deaths occurring on or after
21 that date.

1 **Subtitle B—Planning,**
2 **Programming, and Management**

3 **SEC. 711. TRICARE STANDARD COORDINATORS IN TRICARE**
4 **REGIONAL OFFICES.**

5 (a) COORDINATOR IN EACH REGIONAL OFFICE.—

6 (1) IN GENERAL.—In each TRICARE Regional
7 Office there shall be a position the responsibilities of
8 which shall be the monitoring, oversight, and im-
9 provement of the TRICARE Standard option in the
10 TRICARE region concerned.

11 (2) DESIGNATION.—The position under para-
12 graph (1) in a TRICARE Regional Office shall be
13 filled by an individual in such Regional Office des-
14 ignated for that purpose.

15 (b) DUTIES OF POSITION.—

16 (1) IN GENERAL.—The specific duties of the
17 positions required under subsection (a) shall be as
18 set forth in regulations prescribed by the Secretary
19 of Defense, in consultation with the other admin-
20 istering Secretaries.

21 (2) ELEMENTS.—The duties shall include—

22 (A) identifying health care providers who
23 will participate in the TRICARE program and
24 provide the TRICARE Standard option under
25 that program;

1 (B) communicating with beneficiaries who
2 receive the TRICARE Standard option;

3 (C) outreach to community health care
4 providers to encourage their participation in the
5 TRICARE program; and

6 (D) publication of information that identi-
7 fies health care providers in the TRICARE re-
8 gion concerned who provide the TRICARE
9 Standard option.

10 (c) REPORT.—Not later than 90 days after the date
11 of the enactment of this Act, the Secretary shall submit
12 to the congressional defense committees a report setting
13 forth the plans to implement the requirements of the sec-
14 tion.

15 (d) DEFINITIONS.—In this section:

16 (1) The terms “administering Secretaries” and
17 “TRICARE program” have the meaning given such
18 terms in section 1072 of title 10, United States
19 Code.

20 (2) The term “TRICARE Standard” means the
21 Civilian Health and Medical Program of the Uni-
22 formed Services option under the TRICARE pro-
23 gram.

1 **SEC. 712. REPORT ON DELIVERY OF HEALTH CARE BENE-**
2 **FITS THROUGH MILITARY HEALTH CARE SYS-**
3 **TEM.**

4 (a) REPORT REQUIRED.—Not later than February 1,
5 2007, the Secretary of Defense shall submit to the con-
6 gressional defense committees a report on the delivery of
7 health care benefits through the military health care sys-
8 tem.

9 (b) ELEMENTS.—The report under subsection (a)
10 shall include the following:

11 (1) An analysis of the organization and costs of
12 delivering health care benefits to current and retired
13 members of the Armed Forces and their families.

14 (2) An analysis of the costs of ensuring medical
15 readiness throughout the Armed Forces in support
16 of national security objectives.

17 (3) An assessment of the role of health benefits
18 in the recruitment and retention of members of the
19 Armed Forces, whether in the regular components or
20 the reserve components of the Armed Forces.

21 (4) An assessment of the experience of the mili-
22 tary departments during fiscal years 2003, 2004,
23 and 2005 in recruitment and retention of military
24 and civilian medical and dental personnel, whether
25 in the regular components or the reserve components

1 of the Armed Forces, in light of military and civilian
2 medical manpower requirements.

3 (5) A description of requirements for graduate
4 medical education for military medical care providers
5 and options for meeting such requirements, includ-
6 ing civilian medical training programs.

7 (c) RECOMMENDATIONS.—In addition to the matters
8 specified in subsection (b), the report under subsection (a)
9 shall also include such recommendations for legislative or
10 administrative action as the Secretary considers necessary
11 to improve efficiency and quality in the provision of health
12 care benefits through the military health care system, in-
13 cluding recommendations on—

14 (1) the organization and delivery of health care
15 benefits;

16 (2) mechanisms required to measure costs more
17 accurately;

18 (3) mechanisms required to measure quality of
19 care, and access to care, more accurately;

20 (4) other improvements in the efficiency of the
21 military health care system; and

22 (5) any other matters the Secretary considers
23 appropriate to improve the efficiency and quality of
24 military health care benefits.

1 **SEC. 713. COMPTROLLER GENERAL REPORT ON DIFFEREN-**
2 **TIAL PAYMENTS TO CHILDREN'S HOSPITALS**
3 **FOR HEALTH CARE FOR CHILDREN DEPEND-**
4 **ENTS UNDER TRICARE.**

5 (a) **STUDY.**—The Comptroller General of the United
6 States shall conduct a study of the effectiveness of the
7 current system of differential payments to children's hos-
8 pitals for health care services for severely ill dependent
9 children of members of the uniformed services under the
10 **TRICARE** program in achieving the objective of securing
11 adequate health care services for such dependent children
12 under that program.

13 (b) **ELEMENTS OF STUDY.**—The study required by
14 subsection (a) shall include the following:

15 (1) A description of the current participation of
16 children's hospitals in the **TRICARE** program.

17 (2) An assessment of the current system of dif-
18 ferential payments to children's hospitals for health
19 care services described in that subsection, including
20 an assessment of—

21 (A) the extent to which the calculation of
22 such differential payments takes into account
23 the complexity and extraordinary resources re-
24 quired for the provision of such health care
25 services;

1 (B) the extent to which such differential
2 payments provide appropriate compensation to
3 such hospitals for the provision of such services;
4 and

5 (C) any obstacles or challenges to the de-
6 velopment of future modifications to the system
7 of differential payments.

8 (3) An assessment of the adequacy of the ac-
9 cess of dependent children described in that sub-
10 section to specialized hospital services for their ill-
11 nesses under the TRICARE program.

12 (c) REPORTS.—Not later than May 1, 2006, the
13 Comptroller General shall submit to the Secretary of De-
14 fense and the congressional defense committees a report
15 on the study required by subsection (a), together with such
16 recommendations, if any, as the Comptroller General con-
17 siders appropriate for modifications of the current system
18 of differential payments to children’s hospitals in order to
19 achieve the objective described in that subsection.

20 (d) TRANSMITTAL TO CONGRESS.—

21 (1) IN GENERAL.—Not later than November 1,
22 2006, the Secretary of Defense shall transmit to the
23 congressional defense committees the report sub-
24 mitted by the Comptroller General to the Secretary
25 under subsection (c).

1 (2) IMPLEMENTATION OF MODIFICATIONS.—If
2 the report under paragraph (1) includes rec-
3 ommendations of the Comptroller General for modi-
4 fications of the current system of differential pay-
5 ments to children’s hospitals, the Secretary shall
6 transmit with the report—

7 (A) a proposal for such legislative or ad-
8 ministration action as may be required to im-
9 plement such modifications; and

10 (B) an assessment and estimate of the
11 costs associated with the implementation of
12 such modifications.

13 (e) DEFINITIONS.—In this section:

14 (1) DIFFERENTIAL PAYMENTS TO CHILDREN’S
15 HOSPITALS.—The term “differential payments to
16 children’s hospitals” means the additional amounts
17 paid to children’s hospitals under the TRICARE
18 program for health care procedures for severely ill
19 children in order to take into account the additional
20 costs associated with such procedures for such chil-
21 dren when compared with the costs associated with
22 such procedures for adults and other children.

23 (2) TRICARE PROGRAM.—The term
24 “TRICARE program” has the meaning given that

1 term in section 1072(7) of title 10, United States
2 Code.

3 **SEC. 714. REPEAL OF REQUIREMENT FOR COMPTROLLER**
4 **GENERAL REVIEWS OF CERTAIN DEPART-**
5 **MENT OF DEFENSE-DEPARTMENT OF VET-**
6 **ERANS AFFAIRS PROJECTS ON SHARING OF**
7 **HEALTH CARE RESOURCES.**

8 (a) JOINT INCENTIVES PROGRAM.—Section 8111(d)
9 of title 38, United States Code, is amended—

10 (1) by striking paragraph (3); and

11 (2) by redesignating paragraph (4) as para-
12 graph (3).

13 (b) HEALTH CARE RESOURCES SHARING AND CO-
14 ORDINATION PROJECT.—Section 722 of the Bob Stump
15 National Defense Authorization Act for Fiscal Year 2003
16 (Public Law 107–314; 116 Stat. 2595; 38 U.S.C. 8111
17 note) is amended—

18 (1) by striking subsection (h);

19 (2) by redesignating subsection (i) as subsection
20 (h); and

21 (3) in paragraph (2) of subsection (h), as so re-
22 designated, by striking “based on recommendations”
23 and all that follows and inserting “as determined by
24 the Secretaries based on information available to the
25 Secretaries to warrant such action.”.

1 **SEC. 715. SURVEYS ON TRICARE STANDARD.**

2 Section 723(a) of the National Defense Authorization
3 Act for Fiscal Year 2004 (Public Law 108–136; 117 Stat.
4 1532; 10 U.S.C. 1073 note) is amended by adding at the
5 end the following new paragraph:

6 “(4) The surveys required by paragraph (1) shall in-
7 clude questions designed to determine from health care
8 providers participating in such surveys whether such pro-
9 viders are aware of the TRICARE program, what percent-
10 age of the current patient population of such providers re-
11 ceive any benefit option under the TRICARE program,
12 and whether such providers accept patients under the
13 medicare program or new patients under the medicare
14 program.”.

15 **SEC. 716. MODIFICATION OF HEALTH CARE QUALITY IN-**
16 **FORMATION AND TECHNOLOGY ENHANCE-**
17 **MENT REPORT REQUIREMENTS.**

18 Section 723(e) of the National Defense Authorization
19 Act for Fiscal Year 2000 (10 U.S.C. 1071 note) is amend-
20 ed by striking paragraphs (1) through (4) and inserting
21 the following new paragraphs:

22 “(1) Quality measures, including structure,
23 process, and outcomes concerning—

24 “(A) patient safety;

25 “(B) timeliness and accessibility of care;

26 “(C) patient satisfaction; and

1 “(D) the use of evidence-based practices.

2 “(2) Population health.

3 “(3) Biosurveillance.”.

4 **SEC. 717. MODIFICATION OF AUTHORITIES RELATING TO**
5 **PATIENT CARE REPORTING AND MANAGE-**
6 **MENT SYSTEM.**

7 (a) REPEAL OF REQUIREMENT TO LOCATE DEPART-
8 MENT OF DEFENSE PATIENT SAFETY CENTER WITHIN
9 ARMED FORCES INSTITUTE OF PATHOLOGY.—Subsection
10 (c)(3) of section 754 of the Floyd D. Spence National De-
11 fense Authorization Act for Fiscal Year 2001 (as enacted
12 into law by Public Law 106–398; 114 Stat. 1654A–196)
13 is amended by striking “within the Armed Forces Institute
14 of Pathology”.

15 (b) RENAMING OF MEDTEAMS PROGRAM.—The cap-
16 tion of subsection (d) of such section is amended by strik-
17 ing “MEDTEAMS” and inserting “MEDICAL TEAM TRAIN-
18 ING”.

19 **Subtitle C—Other Matters**

20 **SEC. 731. REPORT ON ADVERSE HEALTH EVENTS ASSOCI-**
21 **ATED WITH USE OF ANTI-MALARIAL DRUGS.**

22 (a) STUDY REQUIRED.—

23 (1) IN GENERAL.—The Secretary of Defense
24 shall conduct a study of adverse health events that

1 may be associated with use of anti-malarial drugs,
2 including mefloquine.

3 (2) PARTICIPATION OF CERTAIN RESEARCH-
4 ERS.—The Secretary shall ensure the participation
5 in the study of epidemiological and clinical research-
6 ers of the Federal Government outside the Depart-
7 ment of Defense, and of epidemiological and clinical
8 researchers outside the Federal Government.

9 (b) MATTERS COVERED.—The study required by sub-
10 section (a) shall include the following:

11 (1) A comparison of adverse health events that
12 may be associated with different anti-malarial drugs,
13 including mefloquine.

14 (2) An analysis of the extent to which
15 mefloquine may be a risk factor contributing to sui-
16 cides among members of the Armed Forces.

17 (c) REPORT.—Not later than one year after the date
18 of the enactment of this Act, the Secretary shall submit
19 to the congressional defense committees a report on the
20 study required by subsection (a).

1 **SEC. 732. PILOT PROJECTS ON EARLY DIAGNOSIS AND**
2 **TREATMENT OF POST TRAUMATIC STRESS**
3 **DISORDER AND OTHER MENTAL HEALTH**
4 **CONDITIONS.**

5 (a) PILOT PROJECTS REQUIRED.—The Secretary of
6 Defense shall carry out not less than three pilot projects
7 to evaluate the efficacy of various approaches to improving
8 the capability of the military and civilian health care sys-
9 tems to provide early diagnosis and treatment of Post
10 Traumatic Stress Disorder (PTSD) and other mental
11 health conditions.

12 (b) PILOT PROJECT REQUIREMENTS.—

13 (1) MOBILIZATION—DEMOBILIZATION FACIL-
14 ITY.—

15 (A) IN GENERAL.—One of the pilot
16 projects under subsection (a) shall be carried
17 out at a military medical facility at a large mili-
18 tary installation at which the mobilization or
19 demobilization of members of the Armed Forces
20 occurs.

21 (B) ELEMENTS.—The pilot project under
22 this paragraph shall be designed to evaluate
23 and produce effective diagnostic and treatment
24 approaches for use by primary care providers in
25 the military health care system in order to im-
26 prove the capability of such providers to diag-

1 nose and treat Post Traumatic Stress Disorder
2 in a manner that avoids the referral of patients
3 to specialty care by a psychiatrist or other men-
4 tal health professional.

5 (2) NATIONAL GUARD OR RESERVE FACILITY.—

6 (A) IN GENERAL.—One of the pilot
7 projects under subsection (a) shall be carried
8 out at the location of a National Guard or Re-
9 serve unit or units that are located more than
10 40 miles from a military medical facility and
11 whose personnel are served primarily by civilian
12 community health resources.

13 (B) ELEMENTS.—The pilot project under
14 this paragraph shall be designed—

15 (i) to evaluate approaches for pro-
16 viding evidence-based clinical information
17 on Post Traumatic Stress Disorder to civil-
18 ian primary care providers; and

19 (ii) to develop educational materials
20 and other tools for use by members of the
21 National Guard or Reserve who come into
22 contact with other members of the Na-
23 tional Guard or Reserve who may suffer
24 from Post Traumatic Stress Disorder in

1 order to encourage and facilitate early re-
2 porting and referral for treatment.

3 (3) INTERNET-BASED DIAGNOSIS AND TREAT-
4 MENT.—One of the pilot projects under subsection
5 (a) shall be designed to evaluate—

6 (A) Internet-based automated tools avail-
7 able to military and civilian health care pro-
8 viders for the early diagnosis and treatment of
9 Post Traumatic Stress Disorder, and for track-
10 ing patients who suffer from Post Traumatic
11 Stress Disorder; and

12 (B) Internet-based tools available to family
13 members of members of the Armed Forces in
14 order to assist such family members in the
15 identification of the emergence of Post Trau-
16 matic Stress Disorder.

17 (c) REPORT.—Not later than June 1, 2006, the Sec-
18 retary shall submit to the congressional defense commit-
19 tees a report on the pilot projects to be carried out under
20 this section. The report shall include a description of each
21 such pilot project, including the location of the pilot
22 projects under paragraphs (2) and (3) of subsection (b),
23 and the scope and objectives of each such pilot project.

1 **TITLE VIII—ACQUISITION POL-**
2 **ICY, ACQUISITION MANAGE-**
3 **MENT, AND RELATED MAT-**
4 **TERS**

5 **Subtitle A—Acquisition Policy and**
6 **Management**

7 **SEC. 801. INTERNAL CONTROLS FOR PROCUREMENTS ON**
8 **BEHALF OF THE DEPARTMENT OF DEFENSE.**

9 (a) INSPECTOR GENERAL REVIEWS AND DETER-
10 MINATIONS.—

11 (1) IN GENERAL.—For each non-defense agency
12 of the Federal Government that procured property
13 or services in excess of \$100,000,000 on behalf of
14 the Department of Defense during fiscal year 2005,
15 the Inspector General of the Department of Defense
16 and the Inspector General of such non-defense agen-
17 cy shall, not later than March 15, 2006, jointly—

18 (A) review—

19 (i) the procurement policies, proce-
20 dures, and internal controls of such non-
21 defense agency that are applicable to the
22 procurement of property and services on
23 behalf of the Department by such non-de-
24 fense agency; and

1 (ii) the administration of those poli-
2 cies, procedures, and internal controls; and

3 (B) determine in writing whether—

4 (i) such non-defense agency is compli-
5 ant with defense procurement require-
6 ments;

7 (ii) such non-defense agency is not
8 compliant with defense procurement re-
9 quirements, but made significant progress
10 during 2005 toward ensuring compliance
11 with defense procurement requirements; or

12 (iii) neither of the conclusions stated
13 in clauses (i) and (ii) is correct in the case
14 of such non-defense agency.

15 (2) ACTIONS FOLLOWING CERTAIN DETERMINA-
16 TIONS.—If the Inspectors General determine under
17 paragraph (1) that the conclusion stated in clause
18 (ii) or (iii) of subparagraph (B) of such paragraph
19 is correct in the case of a non-defense agency, those
20 Inspectors General shall, not later than March 15,
21 2007, jointly—

22 (A) conduct a second review, as described
23 in paragraph (1)(A), regarding such non-de-
24 fense agency's procurement of property or serv-

1 ices on behalf of the Department of Defense in
2 fiscal year 2006; and

3 (B) determine in writing whether such
4 non-defense agency is or is not compliant with
5 defense procurement requirements.

6 (b) COMPLIANCE WITH DEFENSE PROCUREMENT
7 REQUIREMENTS.—For the purposes of this section, a non-
8 defense agency is compliant with defense procurement re-
9 quirements if such non-defense agency’s procurement poli-
10 cies, procedures, and internal controls applicable to the
11 procurement of products and services on behalf of the De-
12 partment of Defense, and the manner in which they are
13 administered, are adequate to ensure such non-defense
14 agency’s compliance with the requirements of laws and
15 regulations that apply to procurements of property and
16 services made directly by the Department of Defense.

17 (c) MEMORANDA OF UNDERSTANDING BETWEEN IN-
18 SPECTORS GENERAL.—

19 (1) IN GENERAL.—Not later than 30 days after
20 the date of the enactment of this Act, the Inspector
21 General of the Department of Defense and the In-
22 spector General of each non-defense agency referred
23 to in subsection (a) shall enter into a memorandum
24 of understanding with each other to carry out the

1 reviews and make the determinations required by
2 this section.

3 (2) SCOPE OF MEMORANDA.—The Inspector
4 General of the Department of Defense and the In-
5 spector General of a non-defense agency may by mu-
6 tual agreement conduct separate reviews of the pro-
7 curement of property and services on behalf of the
8 Department of Defense that are conducted by sepa-
9 rate business units, or under separate government-
10 wide acquisition contracts, of such non-defense agen-
11 cy. In any case where such separate reviews are con-
12 ducted, the Inspectors General shall make separate
13 determinations under paragraphs (1) and (2) of sub-
14 section (a), as applicable, with respect to each such
15 separate review.

16 (d) LIMITATIONS ON PROCUREMENTS ON BEHALF OF
17 DEPARTMENT OF DEFENSE.—

18 (1) LIMITATION DURING REVIEW PERIOD.—
19 After March 15, 2006, and before March 16, 2007,
20 no official of the Department of Defense may, except
21 as provided in subsection (e) or (f), order, purchase,
22 or otherwise procure property or services in an
23 amount in excess of \$100,000 through a non-defense
24 agency for which a determination described in para-

1 graph (1)(B)(iii) of subsection (a) has been made
2 under that subsection.

3 (2) LIMITATION AFTER REVIEW PERIOD.—After
4 March 15, 2007, no official of the Department of
5 Defense may, except as provided in subsection (e) or
6 (f), order, purchase, or otherwise procure property
7 or services in an amount in excess of \$100,000
8 through a non-defense agency that, having been sub-
9 ject to review under this section, has not been deter-
10 mined under this section as being compliant with de-
11 fense procurement requirements.

12 (e) EXCEPTION FROM APPLICABILITY OF LIMITA-
13 TIONS.—

14 (1) EXCEPTION.—No limitation applies under
15 subsection (d) with respect to the procurement of
16 property and services on behalf of the Department
17 of Defense by a particular non-defense agency dur-
18 ing any period that there is in effect a determination
19 of the Under Secretary of Defense for Acquisition,
20 Technology, and Logistics, made in writing, that it
21 is necessary in the interest of the Department of De-
22 fense to continue to procure property and services
23 through such non-defense agency.

24 (2) APPLICABILITY OF DETERMINATION.—A
25 written determination with respect to a non-defense

1 agency under paragraph (1) is in effect for the pe-
2 riod, not in excess of one year, that the Under Sec-
3 retary of Defense for Acquisition, Technology, and
4 Logistics shall specify in the written determination.
5 The Under Secretary may extend from time to time,
6 for up to one year at a time, the period for which
7 the written determination remains in effect.

8 (f) TERMINATION OF APPLICABILITY OF LIMITA-
9 TIONS.—Subsection (d) shall cease to apply to a non-de-
10 fense agency on the date on which the Inspector General
11 of the Department of Defense and the Inspector General
12 of that agency jointly—

13 (1) determine that such non-defense agency is
14 compliant with defense procurement requirements;
15 and

16 (2) notify the Secretary of Defense of that de-
17 termination.

18 (g) IDENTIFICATION OF PROCUREMENTS MADE
19 DURING A PARTICULAR FISCAL YEAR.—For the purposes
20 of subsection (a), a procurement shall be treated as being
21 made during a particular fiscal year to the extent that
22 funds are obligated by the Department of Defense for that
23 procurement in that fiscal year.

24 (h) INAPPLICABILITY TO CERTAIN GSA CON-
25 TRACTS.—This section does not apply as follows:

1 (1) To Client Support Centers of the Federal
2 Technology Service of the General Services Adminis-
3 tration, which are subject to review under section
4 802 of the Ronald W. Reagan National Defense Au-
5 thorization Act for Fiscal Year 2005 (Public Law
6 108–375; 118 Stat. 2004; 10 U.S.C. 2302).

7 (2) To any purchase through the multiple
8 award schedules established by the Administrator of
9 General Services, as described in section 2302(2)(C)
10 of title 10, United States Code, unless such pur-
11 chase is made through—

12 (A) a non-defense agency other than the
13 General Services Administration; or

14 (B) a business unit of the General Services
15 Administration that is not responsible for ad-
16 ministering the multiple award schedules pro-
17 gram.

18 (i) DEFINITIONS.—In this section:

19 (1) The term “non-defense agency” means a
20 department or agency of the Federal Government
21 outside the Department of Defense, except as ex-
22 cluded under subsection (h).

23 (2) The term “governmentwide acquisition con-
24 tract”, with respect to a non-defense agency, means
25 a task or delivery order contract that—

1 (A) is entered into by the non-defense
2 agency; and

3 (B) may be used as the contract under
4 which property or services are procured for one
5 or more other departments or agencies of the
6 Federal Government.

7 **SEC. 802. CONTRACT SUPPORT ACQUISITION CENTERS.**

8 (a) ESTABLISHMENT.—

9 (1) ORGANIZATION; DUTIES.—Subchapter I of
10 chapter 8 of title 10, United States Code, is amend-
11 ed by adding at the end the following new section:

12 **“§ 197. Contract Support Acquisition Centers**

13 “(a) ESTABLISHMENT.—(1) The Secretary of De-
14 fense shall establish within the Defense Logistics Agency
15 a Defense Contract Support Acquisition Center.

16 “(2) The Secretary of each military department shall
17 establish a Contract Support Acquisition Center for that
18 military department.

19 “(b) DIRECTOR.—(1) The Director of a Contract
20 Support Acquisition Center is the head of the Center.

21 “(2)(A) The Secretary of Defense shall appoint the
22 Director of the Defense Contract Support Acquisition
23 Center.

1 “(B) The Secretary of a military department shall
2 appoint the Director of the Contract Support Acquisition
3 Center of that department.

4 “(3) The Director of a Contract Support Acquisition
5 Center shall be selected from among commissioned officers
6 of the armed forces on active duty and senior civilian offi-
7 cers and employees of the Department of Defense who
8 have substantial experience in the acquisition of contract
9 services.

10 “(c) DUTIES REGARDING ACQUISITIONS.—(1)(A)
11 The Director of the Defense Contract Support Acquisition
12 Center shall act as the executive agent within the Depart-
13 ment of Defense for each acquisition of contract services
14 in excess of the simplified acquisition threshold for the De-
15 partment of Defense, other than an acquisition referred
16 to in subparagraph (B).

17 “(B) The Director of the Contract Support Acquisi-
18 tion Center of a military department shall act as the exec-
19 utive agent within that military department for each ac-
20 quisition of contract services in excess of the simplified
21 acquisition threshold for such military department.

22 “(2) In carrying out paragraph (1), the Director of
23 a Center shall—

24 “(A) develop and maintain policies, procedures,
25 and best practices guidelines addressing the acquisi-

1 tion of contract services for the Secretary appointing
2 the Director, including policies, procedures, and best
3 practices guidelines for—

4 “(i) acquisition planning;

5 “(ii) solicitation and contract award;

6 “(iii) requirements development and man-
7 agement;

8 “(iv) contract tracking and oversight;

9 “(v) performance evaluation; and

10 “(vi) risk management;

11 “(B) assign responsibility for carrying out the
12 acquisition of contract services to employees of the
13 Center and other appropriate organizational ele-
14 ments under the jurisdiction of that Secretary;

15 “(C) dedicate fulltime commodity managers to
16 coordinate the acquisition of key categories of serv-
17 ices;

18 “(D) ensure that contract services being ac-
19 quired to meet the Secretary’s requirements for
20 those services are acquired by means of a contract,
21 or a task or delivery order, that—

22 “(i) is in the best interests of the Depart-
23 ment of Defense or, in the case of the Director
24 of the Center for a military department, the
25 best interests of that military department; and

1 “(ii) is entered into or issued, and is man-
2 aged, in compliance with applicable laws, regu-
3 lations, and directives, and other applicable re-
4 quirements;

5 “(E) ensure that competitive procedures and
6 performance-based contracting are used to the max-
7 imum extent practicable for the acquisition of con-
8 tract services for that Secretary; and

9 “(F) monitor data collection under section
10 2330a of this title and periodically conduct a spend-
11 ing analysis to ensure that funds expended for the
12 acquisition of contract services for the Secretary are
13 being expended in the most rational and economical
14 manner practicable.

15 “(d) DUTIES REGARDING ACQUISITION PER-
16 SONNEL.—The Directors of the Contract Support Acquisi-
17 tion Centers shall work with appropriate officials of the
18 Department of Defense—

19 “(1) to identify the critical skills and com-
20 petencies needed to carry out the acquisition of con-
21 tract services on behalf of the Department of De-
22 fense; and

23 “(2) to develop a comprehensive strategy for re-
24 cruiting, training, and deploying employees to meet
25 the requirements for those skills and competencies.

1 “(e) SCOPE OF AUTHORITY.—The authority of the
2 Director of a Contract Support Acquisition Center under
3 this section applies to acquisitions in excess of the sim-
4 plified acquisition threshold.

5 “(f) EXCLUSIVITY OF AUTHORITY.—(1) After Sep-
6 tember 30, 2009, no officer or employee of the Federal
7 Government outside the Defense Contract Support Acqui-
8 sition Center may, without the prior written approval of
9 the Director of the Center or the Secretary of Defense,
10 engage in a procurement action for the acquisition of con-
11 tract services for the Department of Defense that is valued
12 in excess of the simplified acquisition threshold, other than
13 a procurement action covered by paragraph (2).

14 “(2) After September 30, 2009, no officer or em-
15 ployee of the Federal Government outside the Contract
16 Support Acquisition Center of a military department may,
17 without the prior written approval of the Director of the
18 Center, the Secretary of Defense, or the Secretary of that
19 military department, engage in a procurement action for
20 the acquisition of contract services for that military de-
21 partment that is valued in excess of the simplified acquisi-
22 tion threshold.

23 “(3) In this subsection, the term ‘procurement action’
24 includes the following actions:

1 “(A) Entry into a contract or any other form
2 of agreement.

3 “(B) Issuance of a task order, delivery order, or
4 military interdepartmental purchase request.

5 “(g) STAFF AND SUPPORT.—(1) The Secretary ap-
6 pointing the Director of a Contract Support Acquisition
7 Center shall ensure that the Director of the Center is pro-
8 vided a staff and administrative support that are adequate
9 for the Director to perform the duties of the position
10 under this section effectively.

11 “(2) The Secretary of Defense may transfer to the
12 Defense Contract Support Acquisition Center any per-
13 sonnel within the Department of Defense whose principal
14 duty is the acquisition of contract services for the Depart-
15 ment of Defense.

16 “(3) The Secretary of a military department may
17 transfer to the Contract Support Acquisition Center of
18 that military department any personnel within such mili-
19 tary department whose principal duty is the acquisition
20 of contract services for that military department.

21 “(h) TRANSFERS OF NONDEFENSE ORGANIZA-
22 TIONS.—(1) Except as provided in paragraph (5), the Sec-
23 retary of Defense may accept from the head of a depart-
24 ment or agency outside the Department of Defense a
25 transfer to any of the Contract Support Acquisition Cen-

1 ters of all or part of any organizational unit of such other
2 department or agency that is primarily engaged in the ac-
3 quisition of contract services if, during the most recent
4 year for which data are available before such transfer,
5 more than 50 percent of the contract services acquired by
6 such organizational unit (determined on the basis of cost)
7 were acquired on behalf of the Department of Defense.

8 “(2) The head of a department or agency outside the
9 Department of Defense may transfer in accordance with
10 this section an organizational unit that is authorized to
11 be accepted under paragraph (1).

12 “(3) A transfer under this subsection may be made
13 and accepted only pursuant to a memorandum of under-
14 standing that is entered into by the head of the depart-
15 ment or agency making the transfer and the Secretary of
16 Defense.

17 “(4) A transfer of an organizational unit under this
18 section shall include the transfer of the personnel of such
19 organizational unit, the assets of such organizational unit,
20 and the contracts of such organizational unit, to the extent
21 provided in the memorandum of understanding governing
22 the transfer of the unit.

23 “(5) This section does not authorize a transfer of the
24 multiple award schedule program of the General Services

1 Administration described in section 2302(2)(C) of this
2 title.

3 “(i) SIMPLIFIED ACQUISITION THRESHOLD.—In this
4 section, the term ‘simplified acquisition threshold’ has the
5 meaning given that term in section 2302(7) of this title.”.

6 (2) CLERICAL AMENDMENT.—The table of sec-
7 tions at the beginning of such subchapter is amend-
8 ed by adding at the end the following new item:

“197. Contract Support Acquisition Centers.”.

9 (b) IMPLEMENTATION.—

10 (1) PHASED IMPLEMENTATION OF DIRECTOR’S
11 AUTHORITY TO ACT AS EXECUTIVE AGENT.—Not-
12 withstanding subsections (c)(1) and (e) of section
13 197 of title 10, United States Code (as added by
14 subsection (a)), the authority of the Director of a
15 Contract Support Acquisition Center to act under
16 such section as executive agent for acquisitions of
17 contract services before October 1, 2009, applies
18 only with respect to—

19 (A) contracts in excess of \$10,000,000
20 that are entered into after September 30, 2006,
21 and before October 1, 2009; and

22 (B) any other acquisitions of contract serv-
23 ices that, as designated by the Secretary who
24 appointed the Director, are to be carried out for
25 that Secretary by the Director.

1 (2) PROCUREMENT MANAGEMENT STRUC-
2 TURE.—The Secretary of Defense shall implement
3 section 2330 of title 10, United States Code (relat-
4 ing to a management structure for the procurement
5 of services for the Department of Defense), by desig-
6 nating each Director of the Contract Support Acqui-
7 sition Center appointed under section 197 of such
8 title (as added by subsection (a)) to act as executive
9 agent for the management of the procurements of
10 services carried out for the Secretary appointing
11 such Director with respect to—

12 (A) all contracts in excess of \$10,000,000
13 that are entered into after September 30, 2006,
14 and before October 1, 2009; and

15 (B) all contracts in excess of the simplified
16 acquisition threshold (as defined in section
17 2302(7) of such title) that are entered into
18 after September 30, 2009.

19 (3) COMPLIANCE WITH CERTAIN PUBLIC LAW
20 108–375 REQUIREMENTS.—For compliance with the
21 requirements of section 854 of the Ronald W.
22 Reagan National Defense Authorization Act for Fis-
23 cal Year 2005 (Public Law 108–375; 118 Stat.
24 2022, 10 U.S.C. 2304 note), the Secretary con-
25 cerned shall designate the Director of the Contract

1 Support Acquisition Center appointed by that Sec-
2 retary to act as the executive agent of that Secretary
3 to review and approve the use of a contract for the
4 acquisition of contract services that—

5 (A) is entered into after September 30,
6 2006, by a department or agency outside the
7 Department of Defense; and

8 (B) if entered into—

9 (i) before October 1, 2009, is valued
10 in excess of \$10,000,000; or

11 (ii) after September 30, 2009, is val-
12 ued in excess of the simplified acquisition
13 threshold (as defined in section 2302(7) of
14 title 10, United States Code).

15 (4) SECRETARY CONCERNED DEFINED.—In
16 paragraph (3), the term “Secretary concerned”
17 means the head of an agency named in subsection
18 (f)(1) of section 854 of the Ronald W. Reagan Na-
19 tional Defense Authorization Act for Fiscal Year
20 2005 (Public Law 108–375; 118 Stat. 2022; 10
21 U.S.C. 2304 note).

1 **SEC. 803. AUTHORITY TO ENTER INTO ACQUISITION AND**
2 **CROSS-SERVICING AGREEMENTS WITH RE-**
3 **GIONAL ORGANIZATIONS OF WHICH THE**
4 **UNITED STATES IS NOT A MEMBER.**

5 (a) **ACQUISITION AGREEMENTS.**—Section 2341(1) of
6 title 10, United States Code, is amended by striking “of
7 which the United States is a member”.

8 (b) **CROSS-SERVICING AGREEMENTS.**—Section
9 2342(a)(1)(C) of such title is amended by striking “of
10 which the United States is a member”.

11 (c) **CONFORMING AMENDMENT.**—Section 2344(b)(4)
12 of such title is amended by striking “of which the United
13 States is a member”.

14 **SEC. 804. REQUIREMENT FOR AUTHORIZATION FOR PRO-**
15 **CUREMENT OF MAJOR WEAPON SYSTEMS AS**
16 **COMMERCIAL ITEMS.**

17 (a) **REQUIREMENT FOR AUTHORIZATION.**—

18 (1) **IN GENERAL.**—Chapter 140 of title 10,
19 United States Code, is amended by adding at the
20 end the following new section:

21 **“§ 2379. Requirement for authorization for procure-**
22 **ment of major weapon systems as com-**
23 **mercial items**

24 “(a) **REQUIREMENT FOR AUTHORIZATION.**—A major
25 weapon system of the Department of Defense may be
26 treated as a commercial item, or purchased under proce-

1 dures established for the procurement of commercial
2 items, only if specifically authorized by Congress.

3 “(b) TREATMENT OF SUBSYSTEMS AND COMPO-
4 NENTS AS COMMERCIAL ITEMS.—A subsystem or compo-
5 nent of a major weapon system shall be treated as a com-
6 mercial item and purchased under procedures established
7 for the procurement of commercial items if such sub-
8 system or component otherwise meets the requirements for
9 treatment as a commercial item.

10 “(c) MAJOR WEAPON SYSTEM DEFINED.—In this
11 section, the term ‘major weapon system’ means a weapon
12 system acquired pursuant to a major defense acquisition
13 program (as that term is defined in section 2430 of this
14 title).”.

15 (2) CLERICAL AMENDMENT.—The table of sec-
16 tions at the beginning of chapter 140 of such title
17 is amended by adding at the end the following new
18 item:

“2379. Requirement for authorization for procurement of major weapon systems
as commercial items.”.

19 (b) EFFECTIVE DATE.—The amendments made by
20 subsection (a) shall take effect on the date of the enact-
21 ment of this Act, and shall apply to contracts entered on
22 or after such date.

1 **SEC. 805. REPORT ON SERVICE SURCHARGES FOR PUR-**
2 **CHASES MADE FOR MILITARY DEPARTMENTS**
3 **THROUGH OTHER DEPARTMENT OF DEFENSE**
4 **AGENCIES.**

5 (a) **REPORTS BY MILITARY DEPARTMENTS.**—For
6 each of fiscal years 2005 and 2006, the Secretary of each
7 military department shall, not later than 60 days after the
8 last day of that fiscal year, submit to the Under Secretary
9 of Defense for Acquisition, Technology, and Logistics a
10 report on the service charges imposed on such military de-
11 partment for purchases in amounts greater than the sim-
12 plified acquisition threshold that were made for that mili-
13 tary department during such fiscal year through a con-
14 tract entered into by an agency of the Department of De-
15 fense other than that military department. The report
16 shall specify the amounts of the service charges and iden-
17 tify the services provided in exchange for such charges.

18 (b) **ANALYSIS OF MILITARY DEPARTMENT RE-**
19 **PORTS.**—Not later than 90 days after receiving a report
20 of the Secretary of a military department for a fiscal year
21 under subsection (a), the Under Secretary of Defense for
22 Acquisition, Technology, and Logistics shall review the
23 service charges delineated in such report for the acqui-
24 sitions covered by the report and the services provided in
25 exchange for such charges and shall compare those
26 charges with the costs of the alternative means for making

1 such acquisitions. The analysis shall include the Under
2 Secretary's determinations of whether the imposition and
3 amounts of the service charges were reasonable.

4 (c) REPORT TO CONGRESS.—Not later than April 1,
5 2006 (for reports for fiscal year 2005 under subsection
6 (a)), and not later than April 1, 2007 (for reports for fis-
7 cal year 2006 under subsection (a)), the Under Secretary
8 of Defense for Acquisition, Technology, and Logistics shall
9 submit to the congressional defense committees a report
10 on the reports submitted by the Secretaries of the military
11 departments under subsection (a), together with the
12 Under Secretary's determinations under subsection (b)
13 with regard to the matters set forth in those reports.

14 (d) SIMPLIFIED ACQUISITION THRESHOLD DE-
15 FINED.—In this section, the term “simplified acquisition
16 threshold” has the meaning given such term in section
17 4(11) of the Office of Federal Procurement Policy Act (41
18 U.S.C. 403(11)).

19 **SEC. 806. REVIEW OF DEFENSE ACQUISITION STRUCTURES.**

20 (a) REVIEW BY DEFENSE ACQUISITION UNIVER-
21 SITY.—The Defense Acquisition University, acting under
22 the direction and authority of the Under Secretary of De-
23 fense for Acquisition, Technology, and Logistics, shall con-
24 duct a review of the acquisition structure of the Depart-

1 ment of Defense, including the acquisition structure of the
2 following:

3 (1) Each military department.

4 (2) Each defense agency.

5 (3) Any other element of the Department of
6 Defense that has an acquisition function.

7 (b) ELEMENTS.—

8 (1) IN GENERAL.—In reviewing the acquisition
9 structure of an organization under subsection (a),
10 the Defense Acquisition University shall—

11 (A) determine the current structure of the
12 organization;

13 (B) review the evolution of the current
14 structure of the organization, including the rea-
15 sons for each reorganization of the structure,
16 and identify any acquisition structures or capa-
17 bilities that have been divested from the organi-
18 zation during the last 15 years;

19 (C) identify the capabilities needed by the
20 organization to fulfill its function and assess
21 the capacity of the organization, as currently
22 structured, to provide such capabilities; and

23 (D) identify any gaps, shortfalls, or inad-
24 equacies relating to acquisitions in the current
25 structure of the organization.

1 (2) EMPHASIS IN REVIEW.—In conducting the
2 review of acquisition structures under subsection (a),
3 the University shall place special emphasis on con-
4 sideration of—

5 (A) structures and processes for joint ac-
6 quisition, including actions that may be needed
7 to improve such structures and processes; and

8 (B) actions that may be needed to improve
9 acquisition outcomes.

10 (c) PRIORITY ON COMPLETION OF REVIEW OF AC-
11 QUISTION STRUCTURE OF DEPARTMENT OF AIR
12 FORCE.—In conducting the review of acquisition struc-
13 tures under subsection (a), the Defense Acquisition Uni-
14 versity shall give a priority to a review of the acquisition
15 structure of the Department of the Air Force.

16 (d) FUNDING.—The Under Secretary of Defense for
17 Acquisition, Technology, and Logistics shall provide the
18 Defense Acquisition University the funds required to con-
19 duct the review under subsection (a).

20 (e) REPORTS.—

21 (1) INTERIM REPORT ON STRUCTURE OF DE-
22 PARTMENT OF AIR FORCE.—Not later than one year
23 after the date of the enactment of this Act, the De-
24 fense Acquisition University shall submit to the con-
25 gressional defense committees an interim report ad-

1 dressing the acquisition structure of the Department
2 of the Air Force.

3 (2) FINAL REPORT ON REVIEW.—Not later
4 than 180 days after the completion of the review re-
5 quired by subsection (a), the University shall submit
6 to the Under Secretary of Defense for Acquisition,
7 Technology, and Logistics a report on the review.
8 The report shall include a separate annex on the ac-
9 quisition structure on each organization covered by
10 the review, which annex—

11 (A) shall address the matters specified
12 under subsection (b) with respect to such orga-
13 nization; and

14 (B) may include such recommendations
15 with respect to such organization as the Univer-
16 sity considers appropriate.

17 (3) TRANSMITTAL OF FINAL REPORT.—Not
18 later than 90 days after the receipt of the report
19 under paragraph (2), the Under Secretary shall
20 transmit to the congressional defense committees a
21 copy of the report, together with the comments of
22 the Under Secretary on the report.

23 (f) DEFENSE ACQUISITION UNIVERSITY DEFINED.—
24 In this section, the term “Defense Acquisition University”

1 means the Defense Acquisition University established pur-
 2 suant to section 1746 of title 10, United States Code.

3 **Subtitle B—Defense Industrial** 4 **Base Matters**

5 **SEC. 811. CLARIFICATION OF EXCEPTION FROM BUY AMER-**
 6 **ICAN REQUIREMENTS FOR PROCUREMENT**
 7 **OF PERISHABLE FOOD FOR ESTABLISH-**
 8 **MENTS OUTSIDE THE UNITED STATES.**

9 Section 2533a(d)(3) of title 10, United States Code,
 10 is amended by inserting “, or for,” after “perishable foods
 11 by”.

12 **SEC. 812. CONDITIONAL WAIVER OF DOMESTIC SOURCE OR**
 13 **CONTENT REQUIREMENTS FOR CERTAIN**
 14 **COUNTRIES WITH RECIPROCAL DEFENSE**
 15 **PROCUREMENT AGREEMENTS WITH THE**
 16 **UNITED STATES.**

17 (a) **AUTHORITY FOR ANNUAL WAIVER.**—Subchapter
 18 V of chapter 148 of title 10, United States Code, is
 19 amended by adding at the end the following new section:

20 **“§ 2539c. Domestic source or content requirements:**
 21 **one-year waiver for certain countries**
 22 **with reciprocal defense procurement**
 23 **agreements with the United States**

24 “(a) **WAIVER AUTHORITY.**—Subject to subsection
 25 (g), upon making a determination under subsection (b)

1 that a foreign country described by that subsection has
2 not qualitatively or quantitatively increased exports of de-
3 fense items, as determined by the Secretary of Defense
4 for purposes of this section, to the People’s Republic of
5 China during the fiscal year in which such determination
6 is made, the Secretary of Defense may waive the applica-
7 tion of any domestic source requirement or domestic con-
8 tent requirement referred to in subsection (c) and thereby
9 authorize the procurement of items that are grown, re-
10 processed, reused, produced, or manufactured in such for-
11 eign country during the fiscal year following the fiscal year
12 in which such determination is made.

13 “(b) ANNUAL DETERMINATIONS.—Not later than
14 September 30 each fiscal year, the Secretary of Defense
15 may determine whether or not a foreign country with
16 which the United States had in force during such fiscal
17 year a reciprocal defense procurement memorandum of
18 understanding or agreement qualitatively or quantitatively
19 increased exports of defense items to the People’s Republic
20 of China during such fiscal year. Each such determination
21 shall be in writing.

22 “(c) COVERED REQUIREMENTS.—For purposes of
23 this section:

24 “(1) A domestic source requirement is any re-
25 quirement under law that the Department of De-

1 fense satisfy its requirements for an item by pro-
2 curing an item that is grown, reprocessed, reused,
3 produced, or manufactured in the United States or
4 by a manufacturer that is a part of the national
5 technology and industrial base (as defined in section
6 2500(1) of this title).

7 “(2) A domestic content requirement is any re-
8 quirement under law that the Department of De-
9 fense satisfy its requirements for an item by pro-
10 curing an item produced or manufactured partly or
11 wholly from components and materials grown, re-
12 processed, reused, produced, or manufactured in the
13 United States.

14 “(d) EFFECTIVE PERIOD OF WAIVER.—Any waiver
15 of the application of any domestic source requirement or
16 domestic content with respect to a foreign country under
17 subsection (a) shall be effective only for the fiscal year
18 following the fiscal year in which is made the determina-
19 tion on which such waiver is based.

20 “(e) LIMITATION ON DELEGATION.—The authority
21 of the Secretary of Defense to waive the application of
22 domestic source or content requirements under subsection
23 (a) may not be delegated to any officer or employee other
24 than the Deputy Secretary of Defense or the Under Sec-

1 retary of Defense for Acquisition, Technology, and Logis-
2 ties.

3 “(f) CONSULTATIONS.—The Secretary of Defense
4 may grant a waiver of the application of a domestic source
5 or content requirement under subsection (a) only after
6 consultation with the United States Trade Representative,
7 the Secretary of Commerce, and the Secretary of State.

8 “(g) LAWS NOT WAIVABLE.—The Secretary of De-
9 fense may not exercise the authority under subsection (a)
10 to waive any domestic source or content requirement con-
11 tained in any of the following laws:

12 “(1) The Small Business Act (15 U.S.C. 631 et
13 seq.).

14 “(2) The Javits-Wagner-O’Day Act (41 U.S.C.
15 46 et seq.).

16 “(3) Section 2533a of this title.

17 “(4) Sections 7309 and 7310 of this title.

18 “(h) RELATIONSHIP TO OTHER WAIVER AUTHOR-
19 ITY.—The authority under subsection (a) to waive a do-
20 mestic source requirement or domestic content require-
21 ment is in addition to any other authority to waive such
22 requirement.

23 “(i) CLARIFICATION OF RELATIONSHIP WITH BUY
24 AMERICAN ACT.—Nothing in this section shall be con-
25 strued to alter in any way the applicability of the Buy

1 American Act (41 U.S.C. 10a), or the authority of the
2 Secretary of Defense to waive the requirements of such
3 Act, with respect to the procurement of any item to which
4 such Act would apply without regard to this section.

5 “(j) CONSTRUCTION WITH RESPECT TO LATER EN-
6 ACTED LAWS.—This section may not be construed as
7 being inapplicable to a domestic source requirement or do-
8 mestic content requirement that is set forth in a law en-
9 acted after the enactment of this section solely on the
10 basis of the later enactment of such law.”.

11 (b) CLERICAL AMENDMENT.—The table of sections
12 at the beginning of subchapter V of such chapter is
13 amended by adding at the end the following new item:

“2539e. Domestic source or content requirements: one-year waiver for certain
countries with reciprocal defense procurement agreements with
the United States.”.

14 **SEC. 813. CONSISTENCY WITH UNITED STATES OBLIGA-**
15 **TIONS UNDER TRADE AGREEMENTS.**

16 No provision of this Act or any amendment made by
17 this Act shall apply to a procurement by or for the Depart-
18 ment of Defense to the extent that the Secretary of De-
19 fense, in consultation with the Secretary of Commerce, the
20 United States Trade Representative, and the Secretary of
21 State, determines that it is inconsistent with United
22 States obligations under a trade agreement.

1 **SEC. 814. IDENTIFICATION OF AREAS OF RESEARCH AND**
2 **DEVELOPMENT EFFORT FOR PURPOSES OF**
3 **SMALL BUSINESS INNOVATION RESEARCH**
4 **PROGRAM.**

5 (a) REVISION AND UPDATE OF CRITERIA AND PRO-
6 CEDURES OF IDENTIFICATION.—The Secretary of Defense
7 shall, not less often than once every four years, revise and
8 update the criteria and procedures utilized to identify
9 areas of the research and development effort of the De-
10 partment of Defense which are suitable for the provision
11 of funds under the Small Business Innovation Research
12 Program.

13 (b) UTILIZATION OF PLANS.—The criteria and proce-
14 dures described in subsection (a) shall be developed
15 through the use of the most current versions of the fol-
16 lowing plans:

17 (1) The joint warfighting science and tech-
18 nology plan required under section 270 of the Na-
19 tional Defense Authorization Act for Fiscal Year
20 1997 (10 U.S.C. 2501 note).

21 (2) The Defense Technology Area Plan of the
22 Department of Defense.

23 (3) The Basic Research Plan of the Depart-
24 ment of Defense.

25 (c) INPUT IN IDENTIFICATION OF AREAS OF EF-
26 FORT.—The criteria and procedures described in sub-

1 section (a) shall include input in the identification of areas
2 of research and development effort described in that sub-
3 section from Department of Defense program managers
4 (PMs) and program executive officers (PEOs).

5 (d) IDENTIFICATION OF RESEARCH PROGRAMS FOR
6 ACCELERATED TRANSITION TO ACQUISITION PROCESS.—

7 (1) IN GENERAL.—The Secretary of each mili-
8 tary department shall identify research programs
9 that have successfully completed Phase II of the
10 Small Business Innovation Research Program and
11 that have the potential for rapid transitioning to
12 Phase III and into the acquisition process.

13 (2) LIMITATION.—No research program may be
14 identified under paragraph (1) unless the Secretary
15 of the military department concerned certifies in
16 writing that the successful transition of the program
17 to Phase III and into the acquisition process is ex-
18 pected to meet high priority military requirements of
19 such military department.

20 (3) REPORT.—The Secretary shall submit to
21 the congressional defense committees a report set-
22 ting forth the research programs identified under
23 paragraph (1). The report shall include a description
24 of the requirements intended to be met by each pro-
25 gram identified in the report.

1 (e) SMALL BUSINESS INNOVATION RESEARCH PRO-
2 GRAM DEFINED.—In this section, the term “Small Busi-
3 ness Innovation Research Program” has the meaning
4 given that term in section 2500(11) of title 10, United
5 States Code.

6 **Subtitle C—Defense Contractor**
7 **Matters**

8 **SEC. 821. REQUIREMENTS FOR DEFENSE CONTRACTORS**
9 **RELATING TO CERTAIN FORMER DEPART-**
10 **MENT OF DEFENSE OFFICIALS.**

11 (a) REQUIREMENTS.—

12 (1) IN GENERAL.—Chapter 141 of title 10,
13 United States Code, is amended by adding at the
14 end the following new section:

15 **“§ 2410p. Defense contractors: requirements con-**
16 **cerning former Department of Defense of-**
17 **ficials**

18 “(a) IN GENERAL.—Each contract for the procure-
19 ment of goods or services in excess of \$10,000,000, other
20 than a contract for the procurement of commercial items,
21 that is entered into by the Department of Defense shall
22 include a provision under which the contractor agrees to
23 submit to the Secretary of Defense, not later than April
24 1 of each year such contract is in effect, a written report
25 setting forth the information required by subsection (b).

1 “(b) REPORT INFORMATION.—A report by a con-
2 tractor under subsection (a) shall—

3 “(1) list the name of each person who—

4 “(A) is a former officer or employee of the
5 Department of Defense or a former or retired
6 member of the armed forces; and

7 “(B) during the preceding calendar year
8 was provided compensation by the contractor, if
9 such compensation was first provided by the
10 contractor—

11 “(i) not more than two years after
12 such officer, employee, or member left
13 service in the Department of Defense; and

14 “(ii) not more than two years before
15 the date on which the report is required to
16 be submitted; and

17 “(2) in the case of each person listed under
18 paragraph (1)—

19 “(A) identify the agency in which such per-
20 son was employed or served on active duty dur-
21 ing the last two years of such person’s service
22 with the Department of Defense;

23 “(B) state such person’s job title and iden-
24 tify each major defense system, if any, on which
25 such person performed any work with the De-

1 partment of Defense during the last two years
2 of such person’s service with the Department;
3 and

4 “(C) state such person’s current job title
5 with the contractor and identify each major de-
6 fense system on which such person has per-
7 formed any work on behalf of the contractor.”.

8 (2) CLERICAL AMENDMENT.—The table of sec-
9 tions at the beginning of chapter 141 of such title
10 is amended by adding at the end the following new
11 item:

 “2410p. Defense contractors: requirements concerning former Department of
 Defense officials.”.

12 (b) EFFECTIVE DATE.—The amendments made by
13 subsection (a) shall take effect on the date of the enact-
14 ment of this Act, and shall apply with respect to contracts
15 entered into on or after that date.

16 **SEC. 822. REVIEW OF CERTAIN CONTRACTOR ETHICS MAT-**
17 **TERS.**

18 (a) IN GENERAL.—The Secretary of Defense shall,
19 in consultation with the Director of the Office of Govern-
20 ment Ethics and the Administrator for Federal Procure-
21 ment Policy, conduct a review of the ethics considerations
22 raised by the following:

1 (1) The performance by contractor employees of
2 functions closely associated with inherently govern-
3 mental functions.

4 (2) The performance by contractor employees of
5 other functions historically performed by Govern-
6 ment employees in the Federal workplace.

7 (b) OPTIONS TO BE ADDRESSED.—The review under
8 subsection (a) shall include the consideration of a broad
9 range of options for addressing the ethics considerations
10 described in that subsection, including—

11 (1) amending the Federal Acquisition Regula-
12 tion to address ethics and personal conflict of inter-
13 est concerns for contractor employees;

14 (2) implementing the Federal Acquisition Regu-
15 lation, as so amended, through the incorporation of
16 appropriate provisions in Federal agency contracts
17 and in the solicitations for such contracts;

18 (3) requiring such contracts and solicitations to
19 state that contractor employees will be bound by cer-
20 tain ethics standards, whether contractor-imposed or
21 Government-imposed;

22 (4) encouraging Federal agency personnel to
23 consider including provisions in contracts and solici-
24 tations that address conflict of interest issues and

1 require contractor personnel to receive training on
2 Government ethics rules; and

3 (5) continuing to identify and mitigate conflicts
4 and ethics concerns involving contractor personnel
5 on a case-by-case basis.

6 (c) REPORT.—

7 (1) IN GENERAL.—Not later than 6 months
8 after the date of the enactment of this Act, the Sec-
9 retary shall submit to the congressional defense com-
10 mittees a report setting forth the findings and rec-
11 ommendations of the Secretary as a result of the re-
12 view under subsection (a) and the consideration of
13 options under subsection (b).

14 (2) ADDITIONAL VIEWS.—The report under
15 paragraph (1) shall set forth the views, if any, of the
16 Director of the Office of Government Ethics and the
17 Administrator for Federal Procurement Policy on
18 the matters covered by the report.

19 (d) FUNCTIONS CLOSELY ASSOCIATED WITH INHER-
20 ENTLY GOVERNMENTAL FUNCTIONS DEFINED.—In this
21 section, the term “functions closely associated with inher-
22 ently governmental functions” has the meaning given such
23 term in section 2383(b)(3) of title 10, United States Code.

1 **SEC. 823. CONTRACT FRAUD RISK ASSESSMENT.**

2 (a) RISK ASSESSMENT TEAM.—(1) Not later than 30
3 days after the date of the enactment of this Act, the Sec-
4 retary of Defense shall establish a risk assessment team
5 to assess the vulnerability of Department of Defense con-
6 tracts to fraud, waste, and abuse.

7 (2) The risk assessment team shall be chaired by the
8 Inspector General of the Department of Defense and shall
9 include representatives of the Defense Logistics Agency,
10 the Defense Contract Management Agency, the Defense
11 Contract Audit Agency, the Army, the Navy, and the Air
12 Force.

13 (3) The risk assessment team shall—

14 (A) review the contracting systems and internal
15 controls of the Department of Defense and the sys-
16 tems and controls of prime contractors of the De-
17 partment of Defense to identify areas of vulner-
18 ability of Department of Defense contracts to fraud,
19 waste, and abuse; and

20 (B) prepare a report on the results of its re-
21 view.

22 (4) Not later than six months after the date of the
23 enactment of this Act, the chairman of the risk assessment
24 team shall submit the report prepared under paragraph
25 (3)(B) to the Secretary of Defense and the congressional
26 defense committees.

1 (b) COMPTROLLER GENERAL REVIEW.—(1) Not
2 later than 60 days after the date on which the report of
3 the risk assessment team is submitted under subsection
4 (a)(4), the Comptroller General of the United States
5 shall—

6 (A) review the methodology used by the risk as-
7 sessment team and the results of the team’s review;
8 and

9 (B) submit a report on the Comptroller Gen-
10 eral’s review to the congressional defense commit-
11 tees.

12 (2) The report under paragraph (1)(B) shall include
13 the Comptroller General’s findings and any recommenda-
14 tions that the Comptroller considers appropriate.

15 (c) ACTION PLAN.—Not later than three months
16 after receiving the report of the risk assessment team
17 under subsection (a)(4), the Secretary of Defense shall de-
18 velop and submit to the congressional defense committees
19 a plan of actions for addressing the areas of vulnerability
20 identified in the report. If the Secretary determines that
21 no action is necessary with regard to an area of vulner-
22 ability, the report shall include a discussion of the ration-
23 ale for that determination.

1 **Subtitle D—Defense Acquisition**
2 **Workforce Matters**

3 **SEC. 831. AVAILABILITY OF FUNDS IN ACQUISITION WORK-**
4 **FORCE TRAINING FUND FOR DEFENSE AC-**
5 **QUISITION WORKFORCE IMPROVEMENTS.**

6 (a) AVAILABILITY OF DEPARTMENT OF DEFENSE
7 CONTRACT FEES FOR DEFENSE ACQUISITION UNIVER-
8 SITY.—Section 37 of the Office of Federal Procurement
9 Policy Act (41 U.S.C. 433) is amended—

10 (1) in subsection (a), by striking “This section”
11 and inserting “Except as otherwise provided, this
12 section”; and

13 (2) in subsection (h)(3)—

14 (A) in subparagraph (B), by striking
15 “(other than the Department of Defense)” in
16 the first sentence;

17 (B) by redesignating subparagraphs (D),
18 (E), (F), and (G) as subparagraphs (E), (F),
19 (G), and (H), respectively;

20 (C) by inserting after subparagraph (C)
21 the following new subparagraph (D):

22 “(D) The Administrator of General Serv-
23 ices shall credit to the Defense Acquisition Uni-
24 versity fees collected in accordance with sub-
25 paragraph (B) from the Department of De-

1 fense. Amounts so credited shall be used to de-
2 velop and expand training for the defense ac-
3 quisition workforce.”; and

4 (D) in subparagraph (E), as so redesign-
5 nated, by striking “the purpose specified in sub-
6 paragraph (A)” and inserting “the purposes
7 specified in subparagraphs (A) and (D)”.

8 (b) CONFORMING AMENDMENT.—Section 1412 of the
9 National Defense Authorization Act for Fiscal year 2004
10 (Public Law 108–136; 117 Stat. 1664; 41 U.S.C. 433
11 note) is amended by striking subsection (c).

12 **SEC. 832. LIMITATION AND REINVESTMENT AUTHORITY RE-**
13 **LATING TO REDUCTION OF THE DEFENSE AC-**
14 **QUISITION AND SUPPORT WORKFORCE.**

15 (a) LIMITATION.—Notwithstanding any other provi-
16 sion of law, the defense acquisition and support workforce
17 may not be reduced, during fiscal years 2006, 2007, and
18 2008, below the level of that workforce as of September
19 30, 2004, determined on the basis of full-time employee
20 equivalence, except as may be necessary to strengthen the
21 defense acquisition and support workforce in higher pri-
22 ority positions in accordance with this section.

23 (b) INCREASE AND REALIGNMENT OF WORK-
24 FORCE.—(1)(A) During fiscal years 2006, 2007, and
25 2008, the Secretary of Defense shall increase the number

1 of persons employed in the defense acquisition and support
2 workforce as follows:

3 (i) During fiscal year 2006, to 105 percent of
4 the baseline number (as defined in subparagraph
5 (B)).

6 (ii) During fiscal year 2007, to 110 percent of
7 the baseline number.

8 (iii) During fiscal year 2008, to 115 percent of
9 the baseline number.

10 (B) In this paragraph, the term “baseline number”,
11 with respect to persons employed in the defense acquisi-
12 tion and support workforce, means the number of persons
13 employed in such workforce as of September 30, 2004 (de-
14 termined on the basis of full-time employee equivalence).

15 (C) The Secretary of Defense may waive a require-
16 ment in subparagraph (A) and, subject to subsection (a),
17 employ in the defense acquisition and support workforce
18 a lesser number of employees if the Secretary determines
19 and certifies to the congressional defense committees that
20 the cost of increasing such workforce to the larger size
21 as required under that subparagraph would exceed the
22 savings to be derived from the additional oversight that
23 would be achieved by having a defense acquisition and
24 support workforce of such larger size.

1 (2) During fiscal years 2006, 2007, and 2008, the
2 Secretary of Defense may realign any part of the defense
3 acquisition and support workforce to support reinvestment
4 in other, higher priority positions in such workforce.

5 (c) HIGHER PRIORITY POSITIONS.—For the purposes
6 of this section, higher priority positions in the defense ac-
7 quisition and support workforce include the following posi-
8 tions:

9 (1) Positions the responsibilities of which in-
10 clude system engineering.

11 (2) Positions the responsibilities of which in-
12 clude drafting performance-based work statements
13 for services contracts and overseeing the perform-
14 ance of contracts awarded pursuant to such work
15 statements.

16 (3) Positions the responsibilities of which in-
17 clude conducting spending analyses, negotiating
18 company-wide pricing agreements, and taking other
19 measures to reduce contract costs.

20 (4) Positions the responsibilities of which in-
21 clude reviewing contractor quality control systems,
22 assessing and analyzing quality deficiency reports,
23 and taking other measures to improve product qual-
24 ity.

1 (5) Positions the responsibilities of which in-
2 clude effectively conducting public-private competi-
3 tions in accordance with Office of Management and
4 Budget Circular A-76.

5 (6) Any other positions in the defense acquisi-
6 tion and support workforce that the Secretary of De-
7 fense identifies as being higher priority positions
8 that are staffed at levels not likely to ensure efficient
9 and effective performance of all of the responsibil-
10 ities of those positions.

11 (d) STRATEGIC ASSESSMENT AND PLAN.—(1) The
12 Secretary of Defense shall—

13 (A) assess the extent to which the Department
14 of Defense can recruit, retain, train, and provide
15 professional development opportunities for acquisi-
16 tion professionals over the 10-fiscal year period be-
17 ginning with fiscal year 2006; and

18 (B) develop a human resources strategic plan
19 for the defense acquisition and support workforce
20 that includes objectives and planned actions for im-
21 proving the management of such workforce.

22 (2) The Secretary shall submit to Congress, not later
23 than April 1, 2006, a report on the progress made in—

24 (A) completing the assessment required under
25 paragraph (1); and

1 (B) completing and implementing the strategic
2 plan required under such paragraph.

3 (e) DEFENSE ACQUISITION AND SUPPORT WORK-
4 FORCE DEFINED.—In this section, the term “defense ac-
5 quisition and support workforce” means members of the
6 Armed Forces and civilian personnel who are assigned to,
7 or are employed in, an organization of the Department
8 of Defense that has acquisition as its predominant mis-
9 sion, as determined by the Secretary of Defense.

10 **SEC. 833. TECHNICAL AMENDMENTS RELATING TO DE-**
11 **FENSE ACQUISITION WORKFORCE IMPROVE-**
12 **MENTS.**

13 Section 1732 of title 10, United States Code, is
14 amended—

15 (1) in subsection (c)—

16 (A) by striking “(b)(2)(A) and (b)(2)(B)”
17 each place it appears in paragraphs (1) and (2)
18 and inserting “(b)(1)(A) and (b)(1)(B)”; and

19 (B) by striking paragraph (3); and

20 (2) in subsection (d)(2), by striking
21 “(b)(2)A(ii)” and inserting “(b)(1)(A)(ii)”.

1 **Subtitle E—Other Matters**

2 **SEC. 841. EXTENSION OF CONTRACT GOAL FOR SMALL DIS-**
 3 **ADVANTAGED BUSINESS AND CERTAIN INSTI-**
 4 **TUTIONS OF HIGHER EDUCATION.**

5 Section 2323(k) of title 10, United States Code, is
 6 amended by striking “2006” both places it appears and
 7 inserting “2009”.

8 **SEC. 842. CODIFICATION AND MODIFICATION OF LIMITA-**
 9 **TION ON MODIFICATION OF MILITARY EQUIP-**
 10 **MENT WITHIN FIVE YEARS OF RETIREMENT**
 11 **OR DISPOSAL.**

12 (a) CODIFICATION AND MODIFICATION OF LIMITA-
 13 TION.—

14 (1) IN GENERAL.—Chapter 141 of title 10,
 15 United States Code, as amended by section
 16 821(a)(1) of this Act, is further amended by adding
 17 at the end the following new section:

18 **“§ 2410q. Modification of equipment within five years**
 19 **of retirement or disposal**

20 “(a) IN GENERAL.—Except as provided in subsection
 21 (b), a military department may not modify an aircraft,
 22 vessel, weapon, or other item of equipment if the military
 23 department plans to retire or otherwise dispose of such
 24 equipment within 5 years of the date of the completion
 25 of such modification.

1 “(b) EXCEPTIONS.—The prohibition in subsection (a)
2 shall not apply to any modification as follows:

3 “(1) A modification for safety purposes.

4 “(2) Any other modification but only if the ag-
5 gregate cost of all such modifications for the air-
6 craft, vessel, weapon, or other item of equipment
7 concerned during any fiscal year, including any pro-
8 curement, installation, or removal costs, is less than
9 \$100,000.

10 “(c) WAIVER.—The Secretary of a military depart-
11 ment may waive the prohibition in subsection (a) with re-
12 spect to a modification referred to in that subsection if
13 such Secretary—

14 “(1) determines that the waiver is in the na-
15 tional security interests of the United States; and

16 “(2) notifies the congressional defense commit-
17 tees of such determination in writing.”.

18 (2) CLERICAL AMENDMENT.—The table of sec-
19 tions at the beginning of such chapter, as amended
20 by section 821(a)(2) of this Act, is further amended
21 by adding at the end the following new item:

“2410q. Modification of equipment within five years of retirement or disposal.”.

22 (b) REPEAL OF SUPERSEDED LIMITATION.—Section
23 8053 of the Department of Defense Appropriations Act,
24 1998 (Public Law 105–56; 111 Stat. 1232; 10 U.S.C.
25 2241 note) is repealed.

1 **SEC. 843. CLARIFICATION OF RAPID ACQUISITION AUTHOR-**
2 **ITY TO RESPOND TO COMBAT EMERGENCIES.**

3 (a) SCOPE OF AUTHORITY.—Subsection (c) of section
4 806 of the Bob Stump National Defense Authorization
5 Act for Fiscal Year 2003 (10 U.S.C. 2302 note) is amend-
6 ed—

7 (1) by striking “combat capability” each place
8 it appears; and

9 (2) by striking “fatalities” each place it appears
10 and inserting “casualties”.

11 (b) DELEGATION OF AUTHORITY.—Such subsection
12 is further amended in paragraph (1) by inserting “below
13 the Deputy Secretary of Defense” after “delegation”.

14 (c) WAIVER AUTHORITY.—Subsection (d)(1) of such
15 section is further amended—

16 (1) in subparagraph (B), by striking “or”;

17 (2) in subparagraph (C), by striking the period
18 and inserting “; or”; and

19 (3) by adding at the end the following new sub-
20 paragraph:

21 “(D) domestic source or content restrictions
22 that would inhibit or impede the rapid acquisition of
23 the equipment.”.

1 **SEC. 844. MODIFICATION OF AUTHORITY TO CARRY OUT**
2 **CERTAIN PROTOTYPE PROJECTS.**

3 Section 845 of the National Defense Authorization
4 Act for Fiscal Year 1994 (10 U.S.C. 2371 note) is amend-
5 ed—

6 (1) in subsection (a)—

7 (A) by striking “The Director” and insert-
8 ing “(1) Subject to paragraph (2), the Direc-
9 tor”; and

10 (B) by adding at the end the following new
11 paragraph:

12 “(2) The authority of this section—

13 “(A) does not extend to any prototype project
14 that is expected to cost in excess of \$100,000,000;
15 and

16 “(B) may be exercised for a prototype project
17 that is expected to cost in excess of \$20,000,000
18 only upon a written determination by the senior pro-
19 curement executive for the agency (as designated for
20 the purpose of section 16(c) of the Office of Federal
21 Procurement Policy Act (41 U.S.C. 414(c)) that—

22 “(i) the requirements of subsection (d) will
23 be met; and

24 “(ii) the use of a standard contract, grant,
25 or cooperative agreement for such project is not
26 feasible or appropriate.”;

1 (2) by redesignating subsection (h) as sub-
2 section (i); and

3 (3) by inserting after subsection (g) the fol-
4 lowing new subsection (h):

5 “(h) **APPLICABILITY OF PROCUREMENT ETHICS RE-**
6 **QUIREMENTS.**—An agreement entered into under the au-
7 thority of this section shall be treated as a Federal agency
8 procurement for the purposes of section 27 of the Office
9 of Federal Procurement Policy Act (41 U.S.C. 423).”.

10 **SEC. 845. EXTENSION OF CERTAIN AUTHORITIES ON CON-**
11 **TRACTING WITH EMPLOYERS OF PERSONS**
12 **WITH DISABILITIES.**

13 Section 853 of the Ronald W. Reagan National De-
14 fense Authorization Act for Fiscal Year 2005 (Public Law
15 108–375; 118 Stat. 2021) is amended by striking “Sep-
16 tember 30, 2005” in subsections (a)(2)(A) and (b)(2)(A)
17 and inserting “September 30, 2006”.

1 **TITLE IX—DEPARTMENT OF DE-**
2 **FENSE ORGANIZATION AND**
3 **MANAGEMENT**

4 **Subtitle A—Duties and Functions**
5 **of Department of Defense Offi-**
6 **cers and Organizations**

7 **SEC. 901. DIRECTORS OF SMALL BUSINESS PROGRAMS.**

8 (a) REDESIGNATION OF EXISTING POSITIONS AND
9 OFFICES.—(1) Each of the following positions within the
10 Department of Defense is redesignated as the Director of
11 Small Business Programs:

12 (A) The Director of Small and Disadvantaged
13 Business Utilization of the Department of Defense.

14 (B) The Director of Small and Disadvantaged
15 Business Utilization of the Department of the Army.

16 (C) The Director of Small and Disadvantaged
17 Business Utilization of the Department of the Navy.

18 (D) The Director of Small and Disadvantaged
19 Business Utilization of the Department of the Air
20 Force.

21 (2) Each of the following offices within the Depart-
22 ment of Defense is redesignated as the Office of Small
23 Business Programs:

24 (A) The Office of Small and Disadvantaged
25 Business Utilization of the Department of Defense.

1 (B) The Office of Small and Disadvantaged
2 Business Utilization of the Department of the Army.

3 (C) The Office of Small and Disadvantaged
4 Business Utilization of the Department of the Navy.

5 (D) The Office of Small and Disadvantaged
6 Business Utilization of the Department of the Air
7 Force.

8 (3) Any reference in any law, regulation, document,
9 paper, or other record of the United States to a position
10 or office redesignated by paragraph (1) or (2) shall be
11 deemed to be a reference to the position or office as so
12 redesignated.

13 (b) DEPARTMENT OF DEFENSE POSITION AND OF-
14 FICE.—(1) Chapter 4 of title 10, United States Code, is
15 amended by inserting after section 133b the following new
16 section:

17 **“§ 133c. Director of Small Business Programs**

18 “(a) DIRECTOR.—There is a Director of Small Busi-
19 ness Programs in the Department of Defense. The Direc-
20 tor is appointed by the Secretary of Defense.

21 “(b) OFFICE OF SMALL BUSINESS PROGRAMS.—The
22 Office of Small Business Programs of the Department of
23 Defense is the office that is established within the Office
24 of the Secretary of Defense under section 15(k) of the

1 Small Business Act (15 U.S.C. 644(k)). The Director of
2 Small Business Programs is the head of such office.

3 “(c) DUTIES AND POWERS.—(1) The Director of
4 Small Business Programs shall, subject to paragraph (2),
5 perform such duties regarding small business programs of
6 the Department of Defense, and shall exercise such powers
7 regarding those programs, as the Secretary of Defense
8 may prescribe.

9 “(2) Section 15(k) of the Small Business Act (15
10 U.S.C. 644(k)), except for the designations of the Director
11 and the Office, applies to the Director of Small Business
12 Programs.”.

13 (2) The table of sections at the beginning of such
14 chapter is amended by inserting after the item relating
15 to section 133b the following new item:

“133e. Director of Small Business Programs.”.

16 (c) DEPARTMENT OF THE ARMY POSITION AND OF-
17 FICE.—(1) Chapter 303 of title 10, United States Code,
18 is amended by adding at the end the following new section:

19 “§ 3024. **Director of Small Business Programs**

20 “(a) DIRECTOR.—There is a Director of Small Busi-
21 ness Programs in the Department of the Army. The Direc-
22 tor is appointed by the Secretary of the Army.

23 “(b) OFFICE OF SMALL BUSINESS PROGRAMS.—The
24 Office of Small Business Programs of the Department of
25 the Army is the office that is established within the De-

1 partment of the Army under section 15(k) of the Small
2 Business Act (15 U.S.C. 644(k)). The Director of Small
3 Business Programs is the head of such office.

4 “(c) DUTIES AND POWERS.—(1) The Director of
5 Small Business Programs shall, subject to paragraph (2),
6 perform such duties regarding small business programs of
7 the Department of the Army, and shall exercise such pow-
8 ers regarding those programs, as the Secretary of the
9 Army may prescribe.

10 “(2) Section 15(k) of the Small Business Act (15
11 U.S.C. 644(k)), except for the designations of the Director
12 and the Office, applies to the Director of Small Business
13 Programs.”.

14 (2) The table of sections at the beginning of such
15 chapter is amended by adding at the end the following
16 new item:

“3024. Director of Small Business Programs.”.

17 (d) DEPARTMENT OF THE NAVY POSITION AND OF-
18 FICE.—(1) Chapter 503 of title 10, United States Code,
19 is amended by adding at the end the following new section:

20 “§ 5028. Director of Small Business Programs

21 “(a) DIRECTOR.—There is a Director of Small Busi-
22 ness Programs in the Department of the Navy. The Direc-
23 tor is appointed by the Secretary of the Navy.

24 “(b) OFFICE OF SMALL BUSINESS PROGRAMS.—The
25 Office of Small Business Programs of the Department of

1 the Navy is the office that is established within the De-
2 partment of the Navy under section 15(k) of the Small
3 Business Act (15 U.S.C. 644(k)). The Director of Small
4 Business Programs is the head of such office.

5 “(c) DUTIES AND POWERS.—(1) The Director of
6 Small Business Programs shall, subject to paragraph (2),
7 perform such duties regarding small business programs of
8 the Department of the Navy, and shall exercise such pow-
9 ers regarding those programs, as the Secretary of the
10 Navy may prescribe.

11 “(2) Section 15(k) of the Small Business Act (15
12 U.S.C. 644(k)), except for the designations of the Director
13 and the Office, applies to the Director of Small Business
14 Programs.”.

15 (2) The table of sections at the beginning of such
16 chapter is amended by adding at the end the following
17 new item:

“5028. Director of Small Business Programs.”.

18 (d) DEPARTMENT OF THE AIR FORCE POSITION AND
19 OFFICE.—(1) Chapter 803 of title 10, United States
20 Code, is amended by adding at the end the following new
21 section:

22 **“§ 8024. Director of Small Business Programs**

23 “(a) DIRECTOR.—There is a Director of Small Busi-
24 ness Programs in the Department of the Air Force. The
25 Director is appointed by the Secretary of the Air Force.

1 “(b) OFFICE OF SMALL BUSINESS PROGRAMS.—The
2 Office of Small Business Programs of the Department of
3 the Air Force is the office that is established within the
4 Department of the Air Force under section 15(k) of the
5 Small Business Act (15 U.S.C. 644(k)). The Director of
6 Small Business Programs is the head of such office.

7 “(c) DUTIES AND POWERS.—(1) The Director of
8 Small Business Programs shall, subject to paragraph (2),
9 perform such duties regarding small business programs of
10 the Department of the Air Force, and shall exercise such
11 powers regarding those programs, as the Secretary of the
12 Air Force may prescribe.

13 “(2) Section 15(k) of the Small Business Act (15
14 U.S.C. 644(k)), except for the designations of the Director
15 and the Office, applies to the Director of Small Business
16 Programs.”.

17 (2) The table of sections at the beginning of such
18 chapter is amended by adding at the end the following
19 new item:

“8024. Director of Small Business Programs.”.

20 **SEC. 902. EXECUTIVE AGENT FOR ACQUISITION OF CAPA-**
21 **BILITIES TO DEFEND THE HOMELAND**
22 **AGAINST CRUISE MISSILES AND OTHER LOW-**
23 **ALTITUDE AIRCRAFT.**

24 (a) DESIGNATION OF EXECUTIVE AGENT.—The Sec-
25 retary of Defense shall designate an official within the De-

1 partment of Defense to act as executive agent to manage
2 the acquisition of capabilities necessary to defend the
3 homeland against cruise missiles, unmanned aerial vehi-
4 cles, and other low altitude aircraft that may be launched
5 against the United States.

6 (b) COORDINATION OF ACTIVITIES.—The official des-
7 igned as executive agent under subsection (a) shall, in
8 order to promote commonality and limit duplication of ef-
9 fort, coordinate in the acquisition of capabilities described
10 in that subsection with appropriate officials of the fol-
11 lowing:

12 (1) The Missile Defense Agency.

13 (2) The Joint Theater Air and Missile Defense
14 Organization.

15 (3) The United States Northern Command.

16 (4) The United States Strategic Command.

17 (5) Such other elements of the Department of
18 Defense, and of other departments and agencies of
19 the United States Government, as the Secretary con-
20 sidered appropriate for purposes of this section.

21 (c) PLAN FOR DEFENSE AGAINST ATTACK.—

22 (1) PLAN REQUIRED.—Not later than 180 days
23 after the date of the enactment of this Act, the Sec-
24 retary of Defense shall submit to the congressional
25 defense committees a plan for the defense of the

1 United States against cruise missiles, unmanned
2 aerial vehicles, and other low altitude aircraft that
3 may be launched against the United States.

4 (2) FOCUS OF PLAN.—In developing the plan,
5 the Secretary shall focus on the role of Department
6 of Defense components in the defense of the United
7 States against an attack described in paragraph (1),
8 but shall also address the role, if any, of other de-
9 partments and agencies of the United States Gov-
10 ernment in that defense.

11 (3) ELEMENTS.—The plan shall include the fol-
12 lowing:

13 (A) An identification of the capabilities re-
14 quired by the Department of Defense in order
15 to fulfill its mission to defend the homeland
16 against cruise missiles, unmanned aerial vehi-
17 cles, and other low altitude aircraft, and an
18 identification of any current shortfalls in such
19 capabilities.

20 (B) A schedule for implementing the plan.

21 (C) A statement of the funding required to
22 implement the Department of Defense portion
23 of the plan.

24 (D) An identification of the roles and mis-
25 sions, if any, of other departments and agencies

1 of the United States Government in contrib-
2 uting to the defense of the United States
3 against attack described in subparagraph (A).

4 (4) SCOPE OF PLAN.—The plan shall be coordi-
5 nated with Department of Defense plans for defend-
6 ing the United States against attack by short-range
7 to medium-range ballistic missiles.

8 **Subtitle B—Space Activities**

9 **SEC. 911. ADVISORY COMMITTEE ON DEPARTMENT OF DE-** 10 **FENSE REQUIREMENTS FOR SPACE CON-** 11 **TROL.**

12 (a) ADVISORY COMMITTEE REQUIRED.—

13 (1) IN GENERAL.—The Secretary of Defense
14 shall provide for an advisory committee to review
15 and assess Department of Defense requirements for
16 space control.

17 (2) NEW OR EXISTING ADVISORY COM-
18 MITTEE.—The Secretary may carry out paragraph
19 (1) through the establishment of a new advisory
20 committee, or the utilization of a current advisory
21 committee, meeting the requirements of subsection
22 (b)(1).

23 (b) MEMBERSHIP AND ADMINISTRATION OF ADVI-
24 SORY COMMITTEE.—

1 (1) MEMBERSHIP.—The advisory committee
2 under subsection (a) shall consist of individuals from
3 among officers and employees of the Federal Gov-
4 ernment, and private citizens of the United States,
5 with knowledge and expertise in national security
6 space policy.

7 (2) ADMINISTRATION.—The Secretary shall es-
8 tablish appropriate procedures for the administra-
9 tion of the advisory committee for purposes of this
10 section, including designation of the chairman of the
11 advisory committee from among its members.

12 (3) SECURITY CLEARANCES.—All members of
13 the advisory committee shall hold security clearances
14 appropriate for the work of the advisory committee.

15 (4) FIRST MEETING.—The advisory committee
16 shall convene its first meeting for purposes of this
17 section not later than 30 days after the date on
18 which all members of the advisory committee have
19 been selected for such purposes.

20 (c) DUTIES.—The advisory committee shall conduct
21 a review and assessment of the following:

22 (1) The requirements of the Department of De-
23 fense for its space control mission and the efforts of
24 the Department to fulfill such requirements.

1 (2) Whether or not the Department of Defense
2 is allocating appropriate resources to fulfill the cur-
3 rent space control mission of the Department when
4 compared with the allocation by the Department of
5 resources to other military space missions.

6 (3) The plans of the Department of Defense to
7 meet its future space control mission.

8 (d) INFORMATION FROM FEDERAL AND STATE
9 AGENCIES.—

10 (1) IN GENERAL.—The advisory committee may
11 secure directly from the Department of Defense,
12 from any other department or agency of the Federal
13 Government, and any State government any infor-
14 mation that the advisory committee considers nec-
15 essary to carry out its duties under this section.

16 (2) LIAISON.—The Secretary of Defense shall
17 designate at least one senior civilian employee of the
18 Department of Defense and at least one general or
19 flag officer of an Armed Force to serve as liaison be-
20 tween the Department, the Armed Forces, and the
21 advisory committee for purposes of this section.

22 (e) REPORT.—

23 (1) IN GENERAL.—Not later than 6 months
24 after the date of the first meeting of the advisory
25 committee under subsection (b)(4), the advisory

1 committees shall submit to the Secretary of Defense
2 and the congressional defense committees a report
3 on the results of the review and assessment under
4 subsection (c).

5 (2) ELEMENTS.—The report shall include—

6 (A) the findings and conclusions of the ad-
7 visory committee on the requirements of the
8 Department of Defense for its space control
9 mission and the efforts of the Department to
10 fulfill such requirements; and

11 (B) any recommendations that the advi-
12 sory committee considers appropriate regarding
13 the best means by which the Department may
14 fulfill such requirements.

15 (f) TERMINATION.—The advisory committee shall
16 terminate for purposes of this section 10 months after the
17 date of the first meeting of the advisory committee under
18 subsection (b)(4).

19 (g) SPACE CONTROL MISSION.—In this section, the
20 term “space control mission” means the mission of the
21 Department of Defense involving the following:

22 (1) Space situational awareness.

23 (2) Defensive counterspace operations.

24 (3) Offensive counterspace operations.

1 (h) FUNDING.—Amounts authorized to be appro-
 2 priated to the Department of Defense shall be available
 3 to the Secretary of Defense for purposes of the activities
 4 of the advisory committee under this section.

5 **Subtitle C—Other Matters**

6 **SEC. 921. ACCEPTANCE OF GIFTS AND DONATIONS FOR DE-** 7 **PARTMENT OF DEFENSE REGIONAL CENTERS** 8 **FOR SECURITY STUDIES.**

9 (a) AUTHORITY TO ACCEPT.—

10 (1) IN GENERAL.—Section 2611 of title 10,
 11 United States Code, is amended to read as follows:

12 **“§ 2611. Regional centers for security studies: accept-**
 13 **ance of gifts and donations**

14 “(a) AUTHORITY TO ACCEPT GIFTS AND DONA-
 15 TIONS.—Subject to subsection (c), the Secretary of De-
 16 fense may, on behalf of any Department of Defense re-
 17 gional center for security studies, any combination of such
 18 centers, or such centers generally, accept from any source
 19 specified in subsection (b) any gift or donation for pur-
 20 poses of defraying the costs, or enhancing the operation,
 21 of such center, combination of centers, or centers gen-
 22 erally, as the case may be.

23 “(b) SOURCES.—The sources from which gifts and
 24 donations may be accepted under subsection (a) are the
 25 following:

1 “(1) The government of a State or a political
2 subdivision of a State.

3 “(2) The government of a foreign country.

4 “(3) A foundation or other charitable organiza-
5 tion, including a foundation or charitable organiza-
6 tion this is organized or operates under the laws of
7 a foreign country.

8 “(4) Any source in the private sector of the
9 United States or a foreign country.

10 “(c) LIMITATION.—The Secretary may not accept a
11 gift or donation under subsection (a) if acceptance of the
12 gift or donation would compromise or appear to com-
13 promise—

14 “(1) the ability of the Department of Defense,
15 any employee of the Department, or any member of
16 the armed forces to carry out the responsibility or
17 duty of the Department in a fair and objective man-
18 ner; or

19 “(2) the integrity of any program of the De-
20 partment, or of any person involved in such a pro-
21 gram.

22 “(d) CRITERIA FOR ACCEPTANCE.—The Secretary
23 shall prescribe written guidance setting forth the criteria
24 to be used in determining whether the acceptance of a gift

1 or donation would have a result described in subsection
2 (c).

3 “(e) CREDITING OF FUNDS.—(1) There is estab-
4 lished on the books of the Treasury of the United States
5 an account to be known as the ‘Regional Centers for Secu-
6 rity Studies Account’.

7 “(2) Gifts and donations of money accepted under
8 subsection (a) shall be credited to the Account, and shall
9 be available until expended, without further appropriation,
10 to defray the costs, or enhance the operation, of the re-
11 gional center, combination of centers, or centers generally
12 for which donated under that subsection.

13 “(f) GIFT OR DONATION DEFINED.—In this section,
14 the term ‘gift or donation’ means any gift or donation of
15 funds, materials (including research materials), real or
16 personal property, or services (including lecture services
17 and faculty services).”.

18 (2) CLERICAL AMENDMENT.—The table of sec-
19 tions at the beginning of chapter 155 of such title
20 is amended by striking the item relating to section
21 2611 and inserting the following new item:

“2611. Regional centers for security studies: acceptance of gifts and dona-
tions.”.

22 (b) CONFORMING AMENDMENTS.—

23 (1) Section 1306 of the National Defense Au-
24 thorization Act for Fiscal Year 1995 (Public Law

1 103–337; 108 Stat. 2892) is amended by striking
2 subsection (a).

3 (2) Section 1065 of the National Defense Au-
4 thorization Act for Fiscal Year 1997 (10 U.S.C. 113
5 note) is amended—

6 (A) by striking subsection (a); and

7 (B) by redesignating subsections (b) and
8 (c) as subsections (a) and (b), respectively.

9 (c) EFFECTIVE DATE.—The amendments made by
10 this section shall take effect on October 1, 2005.

11 **SEC. 922. OPERATIONAL FILES OF THE DEFENSE INTEL-**
12 **LIGENCE AGENCY.**

13 (a) PROTECTION OF OPERATIONAL FILES OF DE-
14 FENSE INTELLIGENCE AGENCY.—(1) Title VII of the Na-
15 tional Security Act of 1947 (50 U.S.C. 431 et. seq.) is
16 amended by adding at the end the following new section:

17 “OPERATIONAL FILES OF THE DEFENSE INTELLIGENCE
18 AGENCY

19 “SEC. 705. (a) EXEMPTION OF OPERATIONAL
20 FILES.—The Director of the Defense Intelligence Agency,
21 in coordination with the Director of National Intelligence,
22 may exempt operational files of the Defense Intelligence
23 Agency from the provisions of section 552 of title 5,
24 United States Code, which require publication, disclosure,
25 search, or review in connection therewith.

1 “(b) OPERATIONAL FILES DEFINED.—(1) In this
2 section, the term ‘operational files’ means—

3 “(A) files of the Directorate of Human Intel-
4 ligence of the Defense Intelligence Agency (and any
5 successor organization of that directorate) that doc-
6 ument the conduct of foreign intelligence or counter-
7 intelligence operations or intelligence or security liai-
8 son arrangements or information exchanges with for-
9 eign governments or their intelligence or security
10 services; and

11 “(B) files of the Directorate of Technology of
12 the Defense Intelligence Agency (and any successor
13 organization of that directorate) that document the
14 means by which foreign intelligence or counterintel-
15 ligence is collected through technical systems.

16 “(2) Files that are the sole repository of disseminated
17 intelligence are not operational files.

18 “(c) SEARCH AND REVIEW FOR INFORMATION.—
19 Notwithstanding subsection (a), exempted operational files
20 shall continue to be subject to search and review for infor-
21 mation concerning:

22 “(1) United States citizens or aliens lawfully
23 admitted for permanent residence who have re-
24 quested information on themselves pursuant to the

1 provisions of section 552 or 552a of title 5, United
2 States Code.

3 “(2) Any special activity the existence of which
4 is not exempt from disclosure under the provisions
5 of section 552 of title 5, United States Code.

6 “(3) The specific subject matter of an investiga-
7 tion by any of the following for any impropriety, or
8 violation of law, Executive Order, or Presidential di-
9 rective, in the conduct of an intelligence activity:

10 “(A) The Committee on Armed Services
11 and the Permanent Select Committee on Intel-
12 ligence of the House of Representatives.

13 “(B) The Committee on Armed Services
14 and the Select Committee on Intelligence of the
15 Senate.

16 “(C) The Intelligence Oversight Board.

17 “(D) The Department of Justice.

18 “(E) The Office of General Counsel of the
19 Department of Defense or of the Defense Intel-
20 ligence Agency.

21 “(F) The Office of Inspector General of
22 the Department of Defense or of the Defense
23 Intelligence Agency.

24 “(G) The Office of the Director of the De-
25 fense Intelligence Agency.

1 “(d) INFORMATION DERIVED OR DISSEMINATED
2 FROM EXEMPTED OPERATIONAL FILES.—(1) Files that
3 are not exempted under subsection (a) and contain infor-
4 mation derived or disseminated from exempted operational
5 files shall be subject to search and review.

6 “(2) The inclusion of information from exempted
7 operational files in files that are not exempted under sub-
8 section (a) shall not affect the exemption under subsection
9 (a) of the originating operational files from search, review,
10 publication, or disclosure.

11 “(3) The declassification of some of the information
12 contained in exempted operational files shall not affect the
13 status of the operational file as being exempt from search,
14 review, publication, or disclosure.

15 “(4) Records from exempted operational files that
16 have been disseminated to and referenced in files that are
17 not exempted under subsection (a) and that have been re-
18 turned to exempted operational files for sole retention
19 shall be subject to search and review.

20 “(e) ALLEGATION; IMPROPER WITHHOLDING OF
21 RECORDS; JUDICIAL REVIEW.—(1) Except as provided in
22 paragraph (2), whenever any person who has requested
23 agency records under section 552 of title 5, alleges that
24 the Defense Intelligence Agency has withheld records im-
25 properly because of failure to comply with any provision

1 of this section, judicial review shall be available under the
2 terms set forth in section 552(a)(4)(B) of title 5, United
3 States Code.

4 “(2) Judicial review shall not be available in the man-
5 ner provided under paragraph (1) as follows:

6 “(A) In any case in which information specifi-
7 cally authorized under criteria established by an Ex-
8 ecutive order to be kept secret in the interest of na-
9 tional defense or foreign relations which is filed
10 with, or produced for, the court by the Defense In-
11 telligence Agency, such information shall be exam-
12 ined ex parte, in camera by the court.

13 “(B) The court shall determine, to the fullest
14 extent practicable, issues of fact based on sworn
15 written submissions of the parties.

16 “(C) When a complainant alleges that re-
17 quested records were improperly withheld because of
18 improper placement solely in exempted operational
19 files, the complainant shall support such allegation
20 with a sworn written submission based upon per-
21 sonal knowledge or otherwise admissible evidence.

22 “(D)(i) When a complainant alleges that re-
23 quested records were improperly withheld because of
24 improper exemption of operational files, the Defense
25 Intelligence Agency shall meet its burden under sec-

1 tion 552(a)(4)(B) of title 5, United States Code, by
2 demonstrating to the court by sworn written submis-
3 sion that exempted operational files likely to contain
4 responsible records currently perform the functions
5 set forth in subsection (b).

6 “(ii) The court may not order the Defense In-
7 telligence Agency to review the content of any ex-
8 empted operational file or files in order to make the
9 demonstration required under clause (i), unless the
10 complainant disputes the Defense Intelligence Agen-
11 cy’s showing with a sworn written submission based
12 on personal knowledge or otherwise admissible evi-
13 dence.

14 “(E) In proceedings under subparagraphs (C)
15 and (D), the parties shall not obtain discovery pur-
16 suant to rules 26 through 36 of the Federal Rules
17 of Civil Procedure, except that requests for admis-
18 sion may be made pursuant to rules 26 and 36.

19 “(F) If the court finds under this subsection
20 that the Defense Intelligence Agency has improperly
21 withheld requested records because of failure to com-
22 ply with any provision of this subsection, the court
23 shall order the Defense Intelligence Agency to search
24 and review the appropriate exempted operational file
25 or files for the requested records and make such

1 records, or portions thereof, available in accordance
2 with the provisions of section 552 of title 5, United
3 States Code, and such order shall be the exclusive
4 remedy for failure to comply with this section (other
5 than subsection (f)).

6 “(G) If at any time following the filing of a
7 complaint pursuant to this paragraph the Defense
8 Intelligence Agency agrees to search the appropriate
9 exempted operational file or files for the requested
10 records, the court shall dismiss the claim based upon
11 such complaint; and

12 “(H) Any information filed with, or produced
13 for the court pursuant to subparagraphs (A) and
14 (D) shall be coordinated with the Director of Na-
15 tional Intelligence before submission to the court.

16 “(f) DECENNIAL REVIEW OF EXEMPTED OPER-
17 ATIONAL FILES.—(1) Not less than once every 10 years,
18 the Director of the Defense Intelligence Agency and the
19 Director of National Intelligence shall review the exemp-
20 tions in force under subsection (a) to determine whether
21 such exemptions may be removed from a category of ex-
22 empted files or any portion thereof. The Director of Na-
23 tional Intelligence must approve any determinations to re-
24 move such exemptions.

1 “(2) The review required by paragraph (1) shall in-
2 clude consideration of the historical value or other public
3 interest in the subject matter of the particular category
4 of files or portions thereof and the potential for declas-
5 sifying a significant part of the information contained
6 therein.

7 “(3) A complainant that alleges that the Defense In-
8 telligence Agency has improperly withheld records because
9 of failure to comply with this subsection may seek judicial
10 review in the district court of the United States of the
11 district in which any of the parties reside, or in the Dis-
12 trict of Columbia. In such a proceeding, the court’s review
13 shall be limited to determining the following:

14 “(A) Whether the Defense Intelligence Agency
15 has conducted the review required by paragraph (1)
16 before the expiration of the 10-year period beginning
17 on the date of the enactment of this section or be-
18 fore the expiration of the 10-year period beginning
19 on the date of the most recent review.

20 “(B) Whether the Defense Intelligence Agency,
21 in fact, considered the criteria set forth in paragraph
22 (2) in conducting the required review.”.

23 (2) The table of contents for that Act is amended
24 by inserting after the item relating to section 704 the fol-
25 lowing new item:

“Sec. 705. Operational files of the Defense Intelligence Agency.”.

1 (b) SEARCH AND REVIEW OF CERTAIN OTHER OPER-
 2 ATIONAL FILES.—The National Security Act of 1947 is
 3 further amended—

4 (1) in section 702(a)(3)(C) (50 U.S.C.
 5 432(a)(3)(C)), by adding the following new clause:

6 “(vi) The Office of the Inspector General
 7 of the National Geospatial-Intelligence Agen-
 8 cy.”;

9 (2) in section 703(a)(3)(C) (50 U.S.C.
 10 432a(a)(3)(C)), by adding at the end the following
 11 new clause:

12 “(vii) The Office of the Inspector General
 13 of the NRO.”; and

14 (3) in section 704(c)(3) (50 U.S.C. 432b(c)(3)),
 15 by adding at the end the following subparagraph:

16 “(H) The Office of the Inspector General
 17 of the National Security Agency.”.

18 **SEC. 923. PROHIBITION ON IMPLEMENTATION OF CERTAIN**
 19 **ORDERS AND GUIDANCE ON FUNCTIONS AND**
 20 **DUTIES OF THE GENERAL COUNSEL AND THE**
 21 **JUDGE ADVOCATE GENERAL OF THE AIR**
 22 **FORCE.**

23 No funds authorized to be appropriated by this Act
 24 may be obligated or expended to implement or enforce ei-
 25 ther of the following:

1 (1) The order of the Secretary of the Air Force
2 dated May 15, 2003, and entitled “Functions and
3 Duties of the General Counsel and the Judge Advo-
4 cate General”.

5 (2) Any internal operating instruction or memo-
6 randum issued by the General Counsel of the De-
7 partment of the Air Force in reliance upon the order
8 referred to in paragraph (1).

9 **TITLE X—GENERAL PROVISIONS**

10 **Subtitle A—Financial Matters**

11 **SEC. 1001. TRANSFER AUTHORITY.**

12 (a) **AUTHORITY TO TRANSFER AUTHORIZATIONS.—**

13 (1) **AUTHORITY.**—Upon determination by the
14 Secretary of Defense that such action is necessary in
15 the national interest, the Secretary may transfer
16 amounts of authorizations made available to the De-
17 partment of Defense in this division for fiscal year
18 2006 between any such authorizations for that fiscal
19 year (or any subdivisions thereof). Amounts of au-
20 thorizations so transferred shall be merged with and
21 be available for the same purposes as the authoriza-
22 tion to which transferred.

23 (2) **AGGREGATE LIMITATION.**—The total
24 amount of authorizations that the Secretary may

1 transfer under the authority of this section may not
2 exceed \$3,500,000,000.

3 (b) LIMITATIONS.—The authority provided by this
4 section to transfer authorizations—

5 (1) may only be used to provide authority for
6 items that have a higher priority than the items
7 from which authority is transferred; and

8 (2) may not be used to provide authority for an
9 item that has been denied authorization by Con-
10 gress.

11 (c) EFFECT ON AUTHORIZATION AMOUNTS.—A
12 transfer made from one account to another under the au-
13 thority of this section shall be deemed to increase the
14 amount authorized for the account to which the amount
15 is transferred by an amount equal to the amount trans-
16 ferred.

17 (d) NOTICE TO CONGRESS.—The Secretary shall
18 promptly notify Congress of each transfer made under
19 subsection (a).

20 **SEC. 1002. INCORPORATION OF CLASSIFIED ANNEX.**

21 (a) STATUS OF CLASSIFIED ANNEX.—The Classified
22 Annex prepared by the Committee on Armed Services of
23 the Senate to accompany its report on the bill S. 1042
24 of the One Hundred Ninth Congress and transmitted to
25 the President is hereby incorporated into this Act.

1 (b) CONSTRUCTION WITH OTHER PROVISIONS OF
2 ACT.—The amounts specified in the Classified Annex are
3 not in addition to amounts authorized to be appropriated
4 by other provisions of this Act.

5 (c) LIMITATION ON USE OF FUNDS.—Funds appro-
6 priated pursuant to an authorization contained in this Act
7 that are made available for a program, project, or activity
8 referred to in the Classified Annex may only be expended
9 for such program, project, or activity in accordance with
10 such terms, conditions, limitations, restrictions, and re-
11 quirements as are set out for that program, project, or
12 activity in the Classified Annex.

13 (d) DISTRIBUTION OF CLASSIFIED ANNEX.—The
14 President shall provide for appropriate distribution of the
15 Classified Annex, or of appropriate portions of the annex,
16 within the executive branch of the Government.

17 **SEC. 1003. UNITED STATES CONTRIBUTION TO NATO COM-**
18 **MON-FUNDED BUDGETS IN FISCAL YEAR 2006.**

19 (a) FISCAL YEAR 2006 LIMITATION.—The total
20 amount contributed by the Secretary of Defense in fiscal
21 year 2006 for the common-funded budgets of NATO may
22 be any amount up to, but not in excess of, the amount
23 specified in subsection (b) (rather than the maximum
24 amount that would otherwise be applicable to those con-
25 tributions under the fiscal year 1998 baseline limitation).

1 (b) TOTAL AMOUNT.—The amount of the limitation
2 applicable under subsection (a) is the sum of the following:

3 (1) The amounts of unexpended balances, as of
4 the end of fiscal year 2005, of funds appropriated
5 for fiscal years before fiscal year 2006 for payments
6 for those budgets.

7 (2) The amount specified in subsection (c)(1).

8 (3) The amount specified in subsection (c)(2).

9 (4) The total amount of the contributions au-
10 thORIZED to be made under section 2501.

11 (c) AUTHORIZED AMOUNTS.—Amounts authorized to
12 be appropriated by titles II and III of this Act are avail-
13 able for contributions for the common-funded budgets of
14 NATO as follows:

15 (1) Of the amount provided in section 201(1),
16 \$763,000 for the Civil Budget.

17 (2) Of the amount provided in section 301(1),
18 \$238,364,000 for the Military Budget.

19 (d) DEFINITIONS.—For purposes of this section:

20 (1) COMMON-FUNDED BUDGETS OF NATO.—
21 The term “common-funded budgets of NATO”
22 means the Military Budget, the Security Investment
23 Program, and the Civil Budget of the North Atlantic
24 Treaty Organization (and any successor or addi-
25 tional account or program of NATO).

1 (2) FISCAL YEAR 1998 BASELINE LIMITATION.—

2 The term “fiscal year 1998 baseline limitation”
3 means the maximum annual amount of Department
4 of Defense contributions for common-funded budgets
5 of NATO that is set forth as the annual limitation
6 in section 3(2)(C)(ii) of the resolution of the Senate
7 giving the advice and consent of the Senate to the
8 ratification of the Protocols to the North Atlantic
9 Treaty of 1949 on the Accession of Poland, Hun-
10 gary, and the Czech Republic (as defined in section
11 4(7) of that resolution), approved by the Senate on
12 April 30, 1998.

13 **SEC. 1004. REDUCTION IN CERTAIN AUTHORIZATIONS DUE**
14 **TO SAVINGS RELATING TO LOWER INFLA-**
15 **TION.**

16 (a) REDUCTION.—The aggregate amount authorized
17 to be appropriated by titles I, II, and III is the amount
18 equal to the sum of all the amounts authorized to be ap-
19 propriated by such titles reduced by \$1,300,000,000.

20 (b) SOURCE OF SAVINGS.—Reductions required in
21 order to comply with subsection (a) shall be derived from
22 savings resulting from lower-than-expected inflation as a
23 result of the annual review of the budget conducted by
24 the Congressional Budget Office.

1 (c) ALLOCATION OF REDUCTION.—The Secretary of
2 Defense shall allocate the reduction required by subsection
3 (a) among the amounts authorized to be appropriated for
4 accounts in titles I, II, and III to reflect the extent to
5 which net savings from lower-than-expected inflation are
6 allocable to amounts authorized to be appropriated to such
7 accounts.

8 **SEC. 1005. AUTHORIZATION OF SUPPLEMENTAL APPRO-**
9 **PRIATIONS FOR FISCAL YEAR 2005.**

10 Amounts authorized to be appropriated to the De-
11 partment of Defense and the Department of Energy for
12 fiscal year 2005 in the Ronald W. Reagan National De-
13 fense Authorization Act for Fiscal Year 2005 (Public Law
14 108–375) are hereby adjusted, with respect to any such
15 authorized amount, by the amount by which appropria-
16 tions pursuant to such authorization are increased (by a
17 supplemental appropriation) or decreased (by a rescis-
18 sion), or both, or are increased by a transfer of funds,
19 pursuant to title I or chapter 2 of title IV of the Emer-
20 gency Supplemental Appropriations Act for Defense, the
21 Global War on Terror, and Tsunami Relief, 2005 (Public
22 Law 109–13).

1 **SEC. 1006. INCREASE IN FISCAL YEAR 2005 TRANSFER AU-**
2 **THORITY.**

3 Section 1001(a)(2) of the Ronald W. Reagan Na-
4 tional Defense Authorization Act for Fiscal Year 2005
5 (Public Law 108–375; 118 Stat. 2034) is amended by
6 striking “\$3,500,000,000” and inserting
7 “\$6,185,000,000”.

8 **SEC. 1007. MONTHLY DISBURSEMENT TO STATES OF STATE**
9 **INCOME TAX VOLUNTARILY WITHHELD FROM**
10 **RETIRED OR RETAINER PAY.**

11 Section 1045(a) of title 10, United States Code, is
12 amended—

13 (1) by striking “quarter” the first place it ap-
14 pears and inserting “month”; and

15 (2) by striking “during the month following
16 that calendar quarter” and inserting “during the fol-
17 lowing calendar month”.

18 **SEC. 1008. REESTABLISHMENT OF LIMITATION ON PAY-**
19 **MENT OF FACILITIES CHARGES ASSESSED BY**
20 **DEPARTMENT OF STATE.**

21 (a) COSTS OF GOODS AND SERVICES PROVIDED TO
22 DEPARTMENT OF STATE.—Funds appropriated for the
23 Department of Defense may be transferred to the Depart-
24 ment of State as remittance for a fee charged to the De-
25 partment of Defense by the Department of State for any
26 year for the maintenance, upgrade, or construction of

1 United States diplomatic facilities only to the extent that
2 the amount charged (when added to other amounts pre-
3 viously so charged for that fiscal year) exceeds the total
4 amount of the unreimbursed costs incurred by the Depart-
5 ment of Defense during that fiscal year in providing goods
6 and services to the Department of State.

7 (b) CONSTRUCTION OF LIMITATION.—The provisions
8 of subsection (a) shall be applicable without regard to the
9 following provisions of law:

10 (1) The provisions of subsection (e) of section
11 604 of the Secure Embassy Construction and
12 Counterterrorism Act of 1999, as added by section
13 629 of division B of Public Law 108–447 (118 Stat.
14 2920; 22 U.S.C. 4865 note).

15 (2) The provisions of section 630 of the Depart-
16 ments of Commerce, Justice, and State, the Judici-
17 ary, and Related Agencies Appropriations Act, 2005
18 (division B of Public Law 108–447 (118 Stat.
19 2921)).

20 (c) EFFECTIVE DATE.—This section shall take effect
21 as of October 1, 2005.

1 **Subtitle B—Naval Vessels and**
2 **Shipyards**

3 **SEC. 1021. TRANSFER OF BATTLESHIP.**

4 (a) TRANSFER OF BATTLESHIP WISCONSIN.—The
5 Secretary of the Navy is authorized—

6 (1) to strike the Battleship U.S.S. WIS-
7 CONSIN (BB-64) from the Naval Vessel Register;
8 and

9 (2) subject to section 7306b of title 10, United
10 States Code, to transfer the ship by gift or otherwise
11 provided that the Secretary requires, as a condition
12 of transfer, that the transferee locate the U.S.S.
13 WISCONSIN in the Commonwealth of Virginia.

14 (b) INAPPLICABILITY OF CERTAIN AUTHORITY TO
15 TRANSFER.—Notwithstanding paragraph (2) of sub-
16 section (a), the cost of the transfer authorized by sub-
17 section (a) may not be shared by the United States pursu-
18 ant to section 7306b(d) of title 10, United States Code,
19 but shall be borne by the transferee under subsection (a).

20 (c) INAPPLICABILITY OF CERTAIN REQUIREMENTS
21 RELATED TO TRANSFER AUTHORITY.—The transfer au-
22 thorized by subsection (a) may be made without regard
23 to the following provisions of law:

1 (1) Section 1011 of the National Defense Au-
2 thorization Act for Fiscal Year 1996 (Public Law
3 104–106; 110 Stat. 421).

4 (2) Section 1011 of the Strom Thurmond Na-
5 tional Defense Authorization Act for Fiscal Year
6 1999 (Public Law 105–261; 112 Stat. 2118).

7 **SEC. 1022. CONVEYANCE OF NAVY DRYDOCK, JACKSON-**
8 **VILLE, FLORIDA.**

9 (a) CONVEYANCE AUTHORIZED.—The Secretary of
10 the Navy may convey to Atlantic Marine Property Holding
11 Company (in this section referred to as the “Company”)
12 all right, title, and interest of the United States in and
13 to Navy Drydock No. AFDM 7 (the SUSTAIN), located
14 in Duval County, Florida. The Company is the current
15 user of the drydock.

16 (b) CONDITION OF CONVEYANCE.—The conveyance
17 under subsection (a) shall be subject to the condition that
18 the drydock remain at the facilities of the Company until
19 September 30, 2010.

20 (c) CONSIDERATION.—As consideration for the con-
21 veyance under subsection (a), the Company shall pay the
22 Secretary an amount equal to the fair market value of the
23 drydock as determined by the Secretary.

24 (d) ADDITIONAL TERMS AND CONDITIONS.—The
25 Secretary may require such additional terms and condi-

1 tions in connection with the conveyance under subsection
2 (a) as the Secretary considers appropriate to protect the
3 interests of the United States.

4 **Subtitle C—Counterdrug Matters**

5 **SEC. 1031. USE OF UNMANNED AERIAL VEHICLES FOR** 6 **UNITED STATES BORDER RECONNAISSANCE.**

7 (a) IN GENERAL.—Chapter 18 of title 10, United
8 States Code, is amended by adding at the end the fol-
9 lowing new section:

10 **“§ 383. Use of unmanned aerial vehicles for United** 11 **States border reconnaissance**

12 “(a) IN GENERAL.—The Secretary of Defense is au-
13 thorized to use Department of Defense personnel and
14 equipment to conduct aerial reconnaissance within the
15 area of responsibility of the United States Northern Com-
16 mand with unmanned aerial vehicles in order to conduct,
17 for the purposes specified in subsection (b), the following:

18 “(1) The detection and monitoring of, and com-
19 munication on, the movement of air and sea traffic
20 along the United States border.

21 “(2) The detection and monitoring of, and com-
22 munication on, the movement of surface traffic that
23 is—

24 “(A) outside of the geographic boundary of
25 the United States; or

1 “(B) inside the United States, but within
2 not more than 25 miles of the geographic
3 boundary of the United States, with respect to
4 surface traffic first detected outside the geo-
5 graphic boundary of the United States.

6 “(b) PURPOSES OF AUTHORIZED ACTIVITIES.—The
7 purposes of activities authorized by subsection (a) are as
8 follows:

9 “(1) To detect and monitor suspicious air, sea,
10 and surface traffic.

11 “(2) To communicate information on such traf-
12 fic to appropriate Federal law enforcement officials,
13 State law enforcement officials, and local law en-
14 forcement officials.

15 “(c) FUNDS.—Amounts available to the Department
16 of Defense for counterdrug activities shall be available for
17 activities authorized by subsection (a).

18 “(d) LIMITATIONS.—Any limitations and restrictions
19 under this chapter with respect to the use of personnel,
20 equipment, and facilities under this chapter shall apply to
21 the exercise of the authority in subsection (a).

22 “(e) ANNUAL REPORTS ON USE OF UNMANNED AER-
23 IAL VEHICLES.—(1) The Secretary of Defense shall sub-
24 mit to the congressional defense committees each year a
25 report on the operation of unmanned aerial vehicles along

1 the United States border under this section during the
2 preceding year. Each report shall include, for the year cov-
3 ered by such report, the following:

4 “(A) A description of the aerial reconnaissance
5 missions carried out along the United States border
6 by unmanned aerial vehicles under this section, in-
7 cluding the total number of sorties and flight hours.

8 “(B) A statement of the costs of such missions.

9 “(C) A statement of the number of times data
10 collected by the Department of Defense from such
11 missions was communicated to other authorities of
12 the Federal Government or to State or local authori-
13 ties.

14 “(2) A report is not required under this subsection
15 for a year if no operations of unmanned aerial vehicles
16 along the United States border occurred under this section
17 during such year.

18 “(3) Each report under this subsection shall be sub-
19 mitted in unclassified form, but may include a classified
20 annex.

21 “(f) DEFINITIONS.—In this section:

22 “(1) The term ‘suspicious air, sea, and surface
23 traffic’ means any air, sea, or surface traffic that is
24 suspected of illegal activities, including involvement
25 in activities that would constitute a violation of any

1 provision of law set forth in or described under sec-
2 tion 374(b)(4)(A) of this title.

3 “(2) The term ‘State law enforcement officials’
4 includes authorized members of the National Guard
5 operating under authority of title 32.”.

6 (b) CLERICAL AMENDMENT.—The table of sections
7 at the beginning of chapter 18 of such title is amended
8 by adding at the end the following new item:

“383. Use of unmanned aerial vehicles for United States border reconnais-
sance.”.

9 **SEC. 1032. USE OF COUNTERDRUG FUNDS FOR CERTAIN**
10 **COUNTERTERRORISM OPERATIONS.**

11 (a) AUTHORITY TO USE FUNDS.—In conjunction
12 with counterdrug activities authorized by law, the Sec-
13 retary of Defense may use funds authorized to be appro-
14 priated to the Department of Defense for drug interdiction
15 and counterdrug activities in fiscal years 2006 and 2007
16 for the detection, monitoring, and interdiction of terror-
17 ists, terrorism-related activities, and other related
18 transnational threats along the borders and within the ter-
19 ritorial waters of the United States.

20 (b) CONSTRUCTION WITH OTHER AUTHORITY.—The
21 authority provided by subsection (a) is in addition to the
22 authority provided in section 124 of title 10, United States
23 Code.

1 **SEC. 1033. SUPPORT FOR COUNTER-DRUG ACTIVITIES**
2 **THROUGH BASES OF OPERATION AND TRAIN-**
3 **ING FACILITIES IN AFGHANISTAN.**

4 In providing support for counterdrug activities under
5 section 1004 of the National Defense Authorization Act
6 for Fiscal Year 1991 (10 U.S.C. 374 note), the Secretary
7 of Defense may, in accordance with a request under sub-
8 section (a) of such section, provide through or utilizing
9 bases of operation or training facilities in Afghanistan—

10 (1) any type of support specified in subsection

11 (b) of such section for counter-drug activities; and

12 (2) any type of support for counter-drug related

13 Afghan criminal justice activities.

14 **Subtitle D—Reports and Studies**

15 **SEC. 1041. MODIFICATION OF FREQUENCY OF SUBMITTAL**
16 **OF JOINT WARFIGHTING SCIENCE AND TECH-**
17 **NOLOGY PLAN.**

18 (a) **SUBMITTAL OF JOINT WARFIGHTING SCIENCE**
19 **AND TECHNOLOGY PLAN.**—Section 270 of the National
20 Defense Authorization Act for Fiscal Year 1997 (10
21 U.S.C. 2501 note) is amended by striking “(a) **ANNUAL**
22 **PLAN REQUIRED.**—On March 1 of each year,” and insert-
23 ing “Not later than March 1 of each year through 2006,
24 and March 1 every two years thereafter,”.

25 (b) **CONFORMING AMENDMENT.**—The heading of
26 such section is amended by striking “**ANNUAL**”.

1 **SEC. 1042. REVIEW AND ASSESSMENT OF DEFENSE BASE**
2 **ACT INSURANCE.**

3 (a) **IN GENERAL.**—The Secretary of Defense shall,
4 in coordination with the Director of the Office of Manage-
5 ment and Budget and appropriate officials of the Depart-
6 ment of Labor, the Department of State and the United
7 States Agency for International Development, review cur-
8 rent and future needs, options, and risks associated with
9 Defense Base Act insurance.

10 (b) **MATTERS TO BE ADDRESSED.**—The review
11 under subsection (a) shall address the following matters:

12 (1) Cost-effective options for acquiring Defense
13 Base Act insurance.

14 (2) Methods for coordinating data collection ef-
15 forts among agencies and contractors on numbers of
16 employees, costs of insurance, and other information
17 relevant to decisions on Defense Base Act insurance.

18 (3) Improved communication and coordination
19 within and among agencies on the implementation of
20 Defense Base Act insurance.

21 (4) Actions to be taken to address difficulties in
22 the administration of Defense Base Act insurance,
23 including on matters relating to cost, data, enforce-
24 ment, and claims processing.

25 (c) **REPORT REQUIRED.**—Not later than one year
26 after the date of the enactment of this Act, the Secretary

1 shall submit to the congressional defense committees a re-
2 port on the results of the review under subsection (a). The
3 report shall set forth the findings of the Secretary as a
4 result of the review and such recommendations, including
5 recommendations for legislative or administrative action,
6 as the Secretary considers appropriate in light of the re-
7 view.

8 (d) DEFENSE BASE ACT INSURANCE DEFINED.—In
9 this section, the term “Defense Base Act insurance”
10 means workers’ compensation insurance provided to con-
11 tractor employees pursuant to the Defense Base Act (42
12 U.S.C. 1651 et seq.).

13 **SEC. 1043. COMPTROLLER GENERAL REPORT ON CORRO-**
14 **SION PREVENTION AND MITIGATION PRO-**
15 **GRAMS OF THE DEPARTMENT OF DEFENSE.**

16 (a) REPORT REQUIRED.—Not later than April 1,
17 2007, the Comptroller General of the United States shall
18 submit to the congressional defense committees a report
19 on the effectiveness of the corrosion prevention and miti-
20 gation programs of the Department of Defense.

21 (b) ELEMENTS.—The report required by subsection
22 (a) shall include the following:

23 (1) An assessment of the document of the De-
24 partment of Defense entitled “Long-Term Strategy
25 to Reduce Corrosion and the Effects of Corrosion on

1 the Military Equipment and Infrastructure of the
2 Department of Defense”, dated November 2004.

3 (2) An assessment of the adequacy for purposes
4 of the strategy set forth in that document of the
5 funding requested in the budget of the President for
6 fiscal year 2006, as submitted to Congress pursuant
7 to section 1105(a) of title 31, United States Code,
8 and the associated Future-Years Defense Program
9 under section 221 of title 10, United States Code.

10 (3) An assessment of the adequacy and effec-
11 tiveness of the organizational structure of the De-
12 partment of Defense in implementing that strategy.

13 (4) An assessment of the progress made as of
14 the date of the report in establishing throughout the
15 Department common metrics, definitions, and proce-
16 dures on corrosion prevention and mitigation.

17 (5) An assessment of the progress made as of
18 the date of the report in establishing a baseline esti-
19 mate of the scope of the corrosion problems of the
20 Department.

21 (6) An assessment of the extent to which the
22 strategy of the Department on corrosion prevention
23 and mitigation has been revised to incorporate the
24 recommendations of the October 2004 Defense
25 Science Board report on corrosion control.

1 (7) An assessment of the implementation of the
2 corrosion prevention and mitigation programs of the
3 Department during fiscal year 2006.

4 (8) Recommendations by the Comptroller Gen-
5 eral for addressing any shortfalls or areas of poten-
6 tial improvement identified in the review for pur-
7 poses of the report.

8 **Subtitle E—Technical Amendments**

9 **SEC. 1051. TECHNICAL AMENDMENTS RELATING TO CER-** 10 **TAIN PROVISIONS OF ENVIRONMENTAL DE-** 11 **FENSE LAWS.**

12 (a) DEFINITION OF “MILITARY MUNITIONS”.—Sec-
13 tion 101(e)(4)(B)(ii) of title 10, United States Code, is
14 amended by striking “explosives, and” and inserting “ex-
15 plosives and”.

16 (b) DEFENSE ENVIRONMENTAL RESTORATION PRO-
17 GRAM.—Section 2703(b) of such title is amended by strik-
18 ing “‘unexploded ordnance’, ‘discarded military muni-
19 tions’, and” and inserting “‘discarded military munitions’
20 and”.

21 **Subtitle F—Military Mail Matters**

22 **SEC. 1061. SAFE DELIVERY OF MAIL IN THE MILITARY MAIL** 23 **SYSTEM.**

24 (a) PLAN REQUIRED.—

1 (1) IN GENERAL.—The Secretary of Defense
2 shall promptly develop and implement a plan to en-
3 sure that the mail within the military mail system
4 is safe for delivery.

5 (2) SCREENING.—The plan under this sub-
6 section shall provide for the screening of all mail
7 within the military mail system in order to detect
8 the presence in such mail of biological, chemical, or
9 radiological weapons, agents, or pathogens, or explo-
10 sive devices, before such mail is delivered to its in-
11 tended recipients.

12 (b) FUNDING FOR PLAN.—The budget justification
13 materials that are submitted to Congress with the budget
14 of the President for any fiscal year after fiscal year 2006,
15 as submitted under section 1105(a) of title 31, United
16 States Code, shall include a description of the amounts
17 required in such fiscal year to carry out the plan under
18 subsection (a).

19 (c) REPORT ON SAFETY OF MAIL FOR DELIVERY.—

20 (1) REPORT REQUIRED.—Not later than 120
21 days after the date of the enactment of this Act, the
22 Secretary shall submit to the congressional defense
23 committees a report on the safety of mail within the
24 military mail system for delivery.

1 (2) ELEMENTS.—The report shall include the
2 following:

3 (A) An assessment of any existing defi-
4 ciencies in the military mail system in ensuring
5 that mail within such system is safe for deliv-
6 ery.

7 (B) The plan developed under subsection
8 (a).

9 (C) An estimate of the time and resources
10 required to implement the plan.

11 (D) A description of the delegation within
12 the Department of Defense of responsibility for
13 ensuring that mail within the military mail sys-
14 tem is safe for delivery, including responsibility
15 for the development, implementation, and over-
16 sight of improvements to that system in order
17 to ensure the safety of such mail for delivery.

18 (3) FORM.—The report shall be submitted in
19 unclassified form, but may include a classified
20 annex.

21 (d) MAIL WITHIN THE MILITARY MAIL SYSTEM DE-
22 FINED.—

23 (1) IN GENERAL.—Except as provided in para-
24 graph (2), in this section, the term “mail within the
25 military mail system”—

1 (A) means—

2 (i) any mail that is posted through
3 the Military Post Offices (including Army
4 Post Offices (APOs) and Fleet Post Of-
5 fices (FPOs)), Department of Defense mail
6 centers, military Air Mail Terminals, and
7 military Fleet Mail Centers; and

8 (ii) any mail or package posted in the
9 United States that is addressed to an un-
10 specified member of the Armed Forces;
11 and

12 (B) includes any official mail posted by the
13 Department of Defense.

14 (2) EXCEPTION.—The term does not include
15 any mail posted as otherwise described in paragraph
16 (1) that has been screened for safety for delivery by
17 the United States Postal Service before its posting
18 as so described.

19 **SEC. 1062. DELIVERY OF MAIL ADDRESSED TO ANY SERV-**
20 **ICE MEMBER.**

21 (a) PROGRAM OF DELIVERY OF MAIL.—The Sec-
22 retary of Defense shall carry out a program under which
23 mail and packages addressed to Any Service Member that
24 are posted in the United States shall be delivered to de-
25 ployed members of the Armed Forces overseas at or

1 through such Army Post Offices (APOs) and Fleet Post
2 Offices (FPOs) as the Secretary shall designate for pur-
3 poses of the program.

4 (b) SCREENING OF MAIL.—In carrying out the pro-
5 gram required by subsection (a), the Secretary shall take
6 appropriate actions to ensure that the mail and packages
7 covered by the program are screened in order to detect
8 the presence in such mail and packages of biological,
9 chemical, or radiological weapons, agents, or pathogens,
10 or explosive devices, before such mail and packages are
11 delivered to members of the Armed Forces.

12 (c) DISTRIBUTION.—The Secretary shall ensure that
13 mail and packages delivered under the program required
14 by subsection (a) are widely distributed on an equitable
15 basis among all the Armed Forces in their overseas areas.

16 (d) OUTREACH.—

17 (1) IN GENERAL.—The Secretary shall, in col-
18 laboration with the Postmaster General, take appro-
19 priate actions to provide information to the public on
20 the program required by subsection (a).

21 (2) OUTLETS.—Information shall be provided
22 to the public under this subsection through Depart-
23 ment of Defense facilities and communications out-
24 lets, Postal Service facilities, and such other means

1 as the Secretary and the Postmaster General con-
2 sider appropriate.

3 (e) ANY SERVICE MEMBER DEFINED.—In this sec-
4 tion, the term “Any Service Member” means an undesig-
5 nated or unspecified member of the Armed Forces (often
6 addressed on mail or packages as “Any American Service
7 Member or Soldier”), rather than any particular or speci-
8 fied member of the Armed Forces.

9 **Subtitle G—Other Matters**

10 **SEC. 1071. POLICY ON ROLE OF MILITARY MEDICAL AND** 11 **BEHAVIORAL SCIENCE PERSONNEL IN INTER-** 12 **ROGATION OF DETAINEES.**

13 (a) POLICY REQUIRED.—The Secretary of Defense
14 shall establish the policy of the Department of Defense
15 on the role of military medical and behavioral science per-
16 sonnel in the interrogation of persons detained by the
17 Armed Forces. The policy shall apply uniformly through-
18 out the Armed Forces.

19 (b) REPORT.—Not later than March 1, 2006, the
20 Secretary shall submit to the congressional defense com-
21 mittees a report on the policy established under subsection
22 (a). The report shall set forth the policy, and shall include
23 such additional matters on the policy as the Secretary con-
24 siders appropriate.

1 **SEC. 1072. CLARIFICATION OF AUTHORITY TO ISSUE SECU-**
2 **RITY REGULATIONS AND ORDERS UNDER IN-**
3 **TERNAL SECURITY ACT OF 1950.**

4 Section 21(a) of the Internal Security Act of 1950
5 (Public Law 81–831; 64 Stat. 1005) is amended by insert-
6 ing “or military or civilian director” after “military com-
7 mander”.

8 **TITLE XI—DEPARTMENT OF DE-**
9 **FENSE CIVILIAN PERSONNEL**
10 **POLICY**

11 **SEC. 1101. EXTENSION OF AUTHORITY FOR VOLUNTARY**
12 **SEPARATIONS IN REDUCTIONS IN FORCE.**

13 Section 3502(f)(5) of title 5, United States Code, is
14 amended by striking “September 30, 2005” and inserting
15 “September 30, 2010”.

16 **SEC. 1102. COMPENSATORY TIME OFF FOR NON-**
17 **APPROPRIATED FUND EMPLOYEES OF THE**
18 **DEPARTMENT OF DEFENSE.**

19 Section 5543 of title 5, United States Code, is
20 amended by adding at the end the following new sub-
21 section:

22 “(d) The Secretary of Defense may, on request of a
23 Department of Defense employee paid from non-
24 appropriated funds, grant such employee compensatory
25 time off from duty instead of overtime pay for overtime
26 work.”.

1 **SEC. 1103. EXTENSION OF AUTHORITY TO PAY SEVERANCE**
2 **PAYMENTS IN LUMP SUMS.**

3 Section 5595(i)(4) of title 5, United States Code, is
4 amended by striking “October 1, 2006” and inserting
5 “October 1, 2010”.

6 **SEC. 1104. CONTINUATION OF FEDERAL EMPLOYEE**
7 **HEALTH BENEFITS PROGRAM ELIGIBILITY.**

8 Section 8905a(d)(4)(B) of title 5, United States
9 Code, is amended—

10 (1) in clause (i), by striking “October 1, 2006”
11 and inserting “October 1, 2010”; and

12 (2) in clause (ii)—

13 (A) by striking “February 1, 2007” and
14 inserting “February 1, 2011”; and

15 (B) by striking “October 1, 2006” and in-
16 serting “October 1, 2010”.

17 **SEC. 1105. PERMANENT AND ENHANCED AUTHORITY FOR**
18 **SCIENCE, MATHEMATICS, AND RESEARCH**
19 **FOR TRANSFORMATION (SMART) DEFENSE**
20 **EDUCATION PROGRAM.**

21 (a) PERMANENT AUTHORITY FOR PROGRAM.—Sec-
22 tion 1105 of the Ronald W. Reagan National Defense Au-
23 thorization Act for Fiscal Year 2005 (Public Law 108-
24 375; 118 Stat. 2074; 10 U.S.C. 2192 note) is amended—

25 (1) in subsection (a)—

26 (A) by striking “(1)”; and

1 (B) by striking paragraph (2); and

2 (2) by striking “pilot” each place it appears.

3 (b) ASSISTANCE UNDER PROGRAM.—Such section is
4 further amended—

5 (1) in subsection (b)—

6 (A) by striking “(b)” and all that follows
7 through “a scholarship” and inserting “(b) AS-
8 SISTANCE.—(1) Under the program under this
9 section, the Secretary of Defense may award a
10 scholarship or fellowship”;

11 (B) in paragraph (1)(B), by inserting “ac-
12 credited” before “institution of higher edu-
13 cation”;

14 (C) in paragraph (2)—

15 (i) by inserting “or fellowship” after
16 “scholarship”;

17 (ii) by inserting “equipment ex-
18 penses,” after “laboratory expenses,”; and

19 (iii) by striking the second sentence;

20 and

21 (D) by adding at the end the following new
22 paragraph:

23 “(3) Any assistance payable to a person under this
24 subsection may be paid directly to the person awarded

1 such assistance or to an administering entity that shall
2 disburse such assistance to the person.”; and

3 (2) in subsection (c)(2)—

4 (A) by striking “a scholarship” and insert-
5 ing “financial assistance”;

6 (B) by striking “the financial assistance
7 provided under the scholarship” and inserting
8 “such financial assistance”; and

9 (C) by striking “the scholarship.” and in-
10 serting “such financial assistance.”.

11 (c) EMPLOYMENT OF PROGRAM PARTICIPANTS.—

12 Such section is further amended—

13 (1) by redesignating subsections (d), (e), (f),
14 (g), and (h) as subsections (e), (f), (g), (h), and (i),
15 respectively; and

16 (2) by inserting after subsection (c) the fol-
17 lowing new subsection (d):

18 “(d) EMPLOYMENT OF PROGRAM PARTICIPANTS.—

19 (1) The Secretary of Defense may—

20 “(A) appoint or retain a person participating in
21 the program under this section in a position on an
22 interim basis during the period of such person’s pur-
23 suit of a degree under the program and for a period
24 not to exceed 2 years after completion of the degree,
25 but only if, during such periods—

1 “(i) there is no readily available appro-
2 priate permanent position for such person; and

3 “(ii) there is an active and ongoing effort
4 to identify and assign such person to an appro-
5 priate permanent position as soon as prac-
6 ticable; and

7 “(B) if there is no appropriate permanent posi-
8 tion available after the end of the periods described
9 in subparagraph (A), separate such person from em-
10 ployment with the Department without regard to
11 any other provision of law, in which event the service
12 agreement of such person under subsection (c) shall
13 terminate.

14 “(2) The period of service of a person covered by
15 paragraph (1) in a position on an interim basis under that
16 paragraph shall, after completion of the degree, be treated
17 as a period of service for purposes of satisfying the obli-
18 gated service requirements of the person under the service
19 agreement of the person under subsection (c).”.

20 (d) REFUND FOR PERIOD OF UNSERVED OBLIGATED
21 SERVICE.—Paragraph (1) of subsection (e) of such sec-
22 tion, as redesignated by subsection (c)(1) of this section,
23 is amended to read as follows:

24 “(1)(A) A participant in the program under this sec-
25 tion who is not an employee of the Department of Defense

1 and who voluntarily fails to complete the educational pro-
2 gram for which financial assistance has been provided
3 under this section, or fails to maintain satisfactory aca-
4 demic progress as determined in accordance with regula-
5 tions prescribed by the Secretary of Defense, shall refund
6 to the United States an appropriate amount, as deter-
7 mined by the Secretary.

8 “(B) A participant in the program under this section
9 who is an employee of the Department of Defense and
10 who—

11 “(i) voluntarily fails to complete the educational
12 program for which financial assistance has been pro-
13 vided, or fails to maintain satisfactory academic
14 progress as determined in accordance with regula-
15 tions prescribed by the Secretary; or

16 “(ii) before completion of the period of obli-
17 gated service required of such participant—

18 “(I) voluntarily terminates such partici-
19 pant’s employment with the Department; or

20 “(II) is removed from such participant’s
21 employment with the Department on the basis
22 of misconduct,

23 shall refund the United States an appropriate amount, as
24 determined by the Secretary.”.

25 (e) CONFORMING AMENDMENTS.—

1 (1) Subsection (f) of such section, as redesignig-
 2 nated by subsection (c)(1) of this section, is further
 3 amended by striking “PILOT”.

4 (2) The heading of such section is amended to
 5 read as follows:

6 **“SEC. 1105. SCIENCE, MATHEMATICS, AND RESEARCH FOR**
 7 **TRANSFORMATION (SMART) DEFENSE EDU-**
 8 **CATION PROGRAM.”.**

9 (3) Section 3304(a)(3)(B)(ii) of title 5, United
 10 States Code, is—

11 (A) by striking “Scholarship Pilot Pro-
 12 gram” and inserting “Defense Education Pro-
 13 gram”; and

14 (B) by inserting “(10 U.S.C. 2912 note)”
 15 after “for Fiscal Year 2005”.

16 **TITLE XII—MATTERS RELATING**
 17 **TO OTHER NATIONS**

18 **SEC. 1201. COMMANDERS’ EMERGENCY RESPONSE PRO-**
 19 **GRAM.**

20 (a) **AUTHORITY FOR FISCAL YEARS 2006 AND**
 21 2007.—During fiscal year 2006 and fiscal year 2007,
 22 from funds made available to the Department of Defense
 23 for operation and maintenance for such fiscal year, not
 24 to exceed \$500,000,000 may be used in each such fiscal
 25 year to provide funds—

1 (1) for the Commanders' Emergency Response
2 Program; and

3 (2) for a similar program to assist the people
4 of Afghanistan.

5 (b) QUARTERLY REPORTS.—Not later than 15 days
6 after the end of each fiscal-year quarter (beginning with
7 the first quarter of fiscal year 2006), the Secretary of De-
8 fense shall submit to the congressional defense committees
9 a report regarding the source of funds and the allocation
10 and use of funds during that quarter that were made
11 available pursuant to the authority provided in this section
12 or under any other provision of law for the purposes of
13 the programs under subsection (a).

14 (c) COMMANDERS' EMERGENCY RESPONSE PROGRAM
15 DEFINED.—In this section, the term "Commanders'
16 Emergency Response Program" means the program estab-
17 lished by the Administrator of the Coalition Provisional
18 Authority for the purpose of enabling United States mili-
19 tary commanders in Iraq to respond to urgent humani-
20 tarian relief and reconstruction requirements within their
21 areas of responsibility by carrying out programs that will
22 immediately assist the Iraqi people.

1 **SEC. 1202. ENHANCEMENT AND EXPANSION OF AUTHORITY**
2 **TO PROVIDE HUMANITARIAN AND CIVIC AS-**
3 **SISTANCE.**

4 (a) INCREASE IN AUTHORIZED EXPENSES ASSOCI-
5 ATED WITH DETECTION AND CLEARANCE OF LAND-
6 MINES.—Subsection (c)(3) of section 401 of title 10,
7 United States Code, is amended by striking “\$5,000,000”
8 and inserting “\$10,000,000”.

9 (b) INCLUSION OF ASSISTANCE ON COMMUNICATIONS
10 AND INFORMATION INFRASTRUCTURE UNDER AUTHOR-
11 ITY.—Such section is further amended—

12 (1) in subsection (c)—

13 (A) by redesignating paragraph (4) as
14 paragraph (5); and

15 (B) by inserting after paragraph (3) the
16 following new paragraph (4):

17 “(4) Expenses covered by paragraph (1) also include
18 expenses incurred in providing communications or infor-
19 mation systems equipment or supplies that are transferred
20 or otherwise furnished to a foreign country in furtherance
21 of the provision of other assistance under this section.”;
22 and

23 (2) in subsection (e), by adding at the end the
24 following new paragraph:

25 “(6) Restoring or improving the information
26 and communications infrastructure of a country, in-

1 including activities relating to the furnishing of edu-
2 cation, training, and technical assistance with re-
3 spect to information and communications tech-
4 nology.”.

5 (c) EXPANSION OF AUTHORITY TO PROVIDE MED-
6 ICAL, DENTAL, AND VETERINARY CARE.—Subsection
7 (e)(1) of such section is amended by inserting before the
8 period the following: “, including education, training, and
9 technical assistance related to the care provided”.

10 (d) EFFECTIVE DATE.—The amendments made by
11 this section shall take effect on October 1, 2005.

12 **SEC. 1203. MODIFICATION OF GEOGRAPHIC LIMITATION ON**
13 **PAYMENT OF PERSONNEL EXPENSES UNDER**
14 **BILATERAL OR REGIONAL COOPERATION**
15 **PROGRAMS.**

16 Section 1051(b)(1) of title 10, United States Code,
17 is amended by striking “within the area” and all that fol-
18 lows through “developing country is located” and inserting
19 “to and within the area of responsibility of a unified com-
20 batant command (as such term is defined in section 161(c)
21 of this title)”.

22 **SEC. 1204. PAYMENT OF TRAVEL EXPENSES OF COALITION**
23 **LIAISON OFFICERS.**

24 (a) AUTHORITY TO PAY CERTAIN TRAVEL EX-
25 PENSES OF MILITARY OFFICERS ON COALITION MIS-

1 SIONS.—Subsection (b) of section 1051a of title 10,
2 United States Code, is amended by adding at the end the
3 following new paragraph:

4 “(3) The Secretary may pay the travel expenses of
5 a military officer of a developing country involved in coali-
6 tion operations while temporarily assigned to the head-
7 quarters of a combatant command, component command,
8 or subordinate operational command for the mission-re-
9 lated roundtrip travel of such officer, upon the direction
10 of the commander of such command, from such head-
11 quarters to one or more locations specified by the com-
12 mander of such command if such travel is determined to
13 be in support of United States national interests.”.

14 (b) EXTENSION OF AUTHORITY TO PAY TRAVEL EX-
15 PENSES.—Subsection (e) of such section is amended by
16 striking “September 30, 2005” and inserting “September
17 30, 2009”.

18 (c) EFFECTIVE DATE.—The amendments made by
19 this section shall take effect on October, 1, 2005.

1 **TITLE** **XIII—COOPERATIVE**
2 **THREAT REDUCTION WITH**
3 **STATES OF THE FORMER SO-**
4 **VIET UNION**

5 **SEC. 1301. SPECIFICATION OF COOPERATIVE THREAT RE-**
6 **DUCTION PROGRAMS AND FUNDS.**

7 (a) SPECIFICATION OF CTR PROGRAMS.—For pur-
8 poses of section 301 and other provisions of this Act, Co-
9 operative Threat Reduction programs are the programs
10 specified in section 1501(b) of the National Defense Au-
11 thorization Act for Fiscal Year 1997 (Public Law 104-
12 201; 110 Stat. 2731; 50 U.S.C. 2362 note).

13 (b) FISCAL YEAR 2006 COOPERATIVE THREAT RE-
14 Duction FUNDS DEFINED.—As used in this title, the
15 term “fiscal year 2006 Cooperative Threat Reduction
16 funds” means the funds appropriated pursuant to the au-
17 thorization of appropriations in section 301 for Coopera-
18 tive Threat Reduction programs.

19 (c) AVAILABILITY OF FUNDS.—Funds appropriated
20 pursuant to the authorization of appropriations in section
21 301 for Cooperative Threat Reduction programs shall be
22 available for obligation for three fiscal years.

23 **SEC. 1302. FUNDING ALLOCATIONS.**

24 (a) FUNDING FOR SPECIFIC PURPOSES.—Of the
25 \$415,549,000 authorized to be appropriated to the De-

1 partment of Defense for fiscal year 2006 in section
2 301(19) for Cooperative Threat Reduction programs, the
3 following amounts may be obligated for the purposes spec-
4 ified:

5 (1) For strategic offensive arms elimination in
6 Russia, \$78,900,000.

7 (2) For nuclear weapons storage security in
8 Russia, \$74,100,000.

9 (3) For nuclear weapons transportation security
10 in Russia, \$30,000,000.

11 (4) For weapons of mass destruction prolifera-
12 tion prevention in the states of the former Soviet
13 Union, \$40,600,000.

14 (5) For biological weapons proliferation preven-
15 tion in the former Soviet Union, \$60,849,000.

16 (6) For chemical weapons destruction in Rus-
17 sia, \$108,500,000.

18 (7) For defense and military contacts,
19 \$8,000,000.

20 (8) For activities designated as Other Assess-
21 ments/Administrative Support, \$14,600,000.

22 (b) REPORT ON OBLIGATION OR EXPENDITURE OF
23 FUNDS FOR OTHER PURPOSES.—No fiscal year 2006 Co-
24 operative Threat Reduction funds may be obligated or ex-
25 pended for a purpose other than a purpose listed in para-

1 graphs (1) through (8) of subsection (a) until 30 days
2 after the date that the Secretary of Defense submits to
3 Congress a report on the purpose for which the funds will
4 be obligated or expended and the amount of funds to be
5 obligated or expended. Nothing in the preceding sentence
6 shall be construed as authorizing the obligation or expend-
7 iture of fiscal year 2006 Cooperative Threat Reduction
8 funds for a purpose for which the obligation or expendi-
9 ture of such funds is specifically prohibited under this title
10 or any other provision of law.

11 (c) LIMITED AUTHORITY TO VARY INDIVIDUAL
12 AMOUNTS.—(1) Subject to paragraphs (2) and (3), in any
13 case in which the Secretary of Defense determines that
14 it is necessary to do so in the national interest, the Sec-
15 retary may obligate amounts appropriated for fiscal year
16 2006 for a purpose listed in any of the paragraphs in sub-
17 section (a) in excess of the specific amount authorized for
18 that purpose.

19 (2) An obligation of funds for a purpose stated in
20 any of the paragraphs in subsection (a) in excess of the
21 specific amount authorized for such purpose may be made
22 using the authority provided in paragraph (1) only after—
23 (A) the Secretary submits to Congress notifica-
24 tion of the intent to do so together with a complete
25 discussion of the justification for doing so; and

1 (B) 15 days have elapsed following the date of
2 the notification.

3 (3) The Secretary may not, under the authority pro-
4 vided in paragraph (1), obligate amounts for a purpose
5 stated in any of paragraphs (6) through (8) of subsection
6 (a) in excess of 125 percent of the specific amount author-
7 ized for such purpose.

8 **SEC. 1303. PERMANENT WAIVER OF RESTRICTIONS ON USE**
9 **OF FUNDS FOR THREAT REDUCTION IN**
10 **STATES OF THE FORMER SOVIET UNION.**

11 Section 1306 of the Bob Stump National Defense
12 Authorization Act for Fiscal Year 2003 (Public Law 107-
13 314; 22 U.S.C. 5952 note) is amended—

14 (1) by striking subsections (c) and (d); and

15 (2) by redesignating subsection (e) as sub-
16 section (c).

17 **SEC. 1304. MODIFICATION OF AUTHORITY TO USE COOPER-**
18 **ATIVE THREAT REDUCTION FUNDS OUTSIDE**
19 **THE FORMER SOVIET UNION.**

20 (a) IN GENERAL.—Subsection (a) of section 1308 of
21 the National Defense Authorization Act for Fiscal Year
22 2004 (Public Law 108-136; 117 Stat. 1662; 22 U.S.C.
23 5963) is amended—

24 (1) by striking “the President may” and insert-
25 ing “the Secretary of Defense may”; and

1 (2) by striking “if the President” and inserting
2 “if the Secretary of Defense, with the concurrence of
3 the Secretary of State,”.

4 (b) AVAILABILITY OF FUNDS.—Subsection (d) of
5 such section is amended—

6 (1) in paragraph (1)—

7 (A) by striking “The President” and in-
8 serting “The Secretary of Defense”; and

9 (B) by striking “the President” and insert-
10 ing “the Secretary of Defense, with the concur-
11 rence of the Secretary of State,”; and

12 (2) in paragraph (2)—

13 (A) by striking “10 days after” and insert-
14 ing “15 days before”; and

15 (B) by striking “the President shall notify
16 Congress” and inserting “the Secretary of De-
17 fense shall notify the congressional defense
18 committees”.

19 **SEC. 1305. REPEAL OF REQUIREMENT FOR ANNUAL COMP-**
20 **TROLLER GENERAL ASSESSMENT OF ANNUAL**
21 **DEPARTMENT OF DEFENSE REPORT ON AC-**
22 **TIVITIES AND ASSISTANCE UNDER COOPERA-**
23 **TIVE THREAT REDUCTION PROGRAMS.**

24 Section 1308 of the Floyd D. Spence National De-
25 fense Authorization Act for Fiscal Year 2001 (as enacted

1 into law by Public Law 106–398; 114 Stat. 1654A–341)
2 is amended by striking subsection (e).

3 **TITLE XIV—AUTHORIZATION**
4 **FOR SUPPLEMENTAL APPRO-**
5 **PRIATIONS FOR IRAQ, AF-**
6 **GHANISTAN, AND THE GLOB-**
7 **AL WAR ON TERRORISM**

8 **SEC. 1401. PURPOSE.**

9 The purpose of this title is to authorize supplemental
10 appropriations for the Department of Defense for fiscal
11 year 2006 for operations in Iraq, Afghanistan, and the
12 global war on terrorism that are in addition to the
13 amounts otherwise authorized to be appropriated for the
14 Department of Defense by this Act.

15 **SEC. 1402. DESIGNATION AS EMERGENCY AMOUNTS.**

16 Amounts appropriated pursuant to the authorizations
17 of appropriations in this title are designated as an emer-
18 gency requirement pursuant to section 402(b) of the con-
19 ference report to accompany H. Con. Res. 95 (109th
20 Congress).

21 **SEC. 1403. ARMY PROCUREMENT.**

22 (a) IN GENERAL.—Funds are hereby authorized to
23 be appropriated for fiscal year 2006 for procurement ac-
24 counts of the Army in amounts as follows:

25 (1) For aircraft, \$70,300,000.

1 (2) For weapons and tracked combat vehicles,
2 \$27,800,000.

3 (3) For other procurement \$271,700,000.

4 (b) AVAILABILITY OF CERTAIN AMOUNTS.—

5 (1) AVAILABILITY.—Of the amounts authorized
6 to be appropriated by subsection (a)(3),
7 \$120,000,000 shall be available for purposes as fol-
8 lows:

9 (A) Procurement of up-armored high mo-
10 bility multipurpose wheeled vehicles (UAHs).

11 (B) Procurement of wheeled vehicle add-on
12 armor protection.

13 (C) Procurement of M1151/M1152 high
14 mobility multipurpose wheeled vehicles.

15 (2) ALLOCATION OF FUNDS.—

16 (A) IN GENERAL.—Subject to subpara-
17 graph (B), the Secretary of the Army shall allo-
18 cate the manner in which amounts available
19 under paragraph (1) shall be available for the
20 purposes specified in that paragraph.

21 (B) LIMITATION.—Amounts available
22 under paragraph (1) may not be allocated
23 under subparagraph (A) until the Secretary cer-
24 tifies to the congressional defense committees
25 that the Army has a validated requirement for

1 procurement for a purpose specified in para-
2 graph (1) based on a statement of urgent needs
3 from a commander of a combatant command.

4 (C) REPORTS.—Not later than 15 days
5 after an allocation of funds is made under sub-
6 paragraph (A), the Secretary shall submit to
7 the congressional defense committees a report
8 describing such allocation of funds.

9 **SEC. 1404. NAVY AND MARINE CORPS PROCUREMENT.**

10 (a) NAVY.—Funds are hereby authorized to be appro-
11 priated for fiscal year 2006 for the procurement accounts
12 of the Navy in amounts as follows:

13 (1) For aircraft, \$183,800,000.

14 (2) For weapons, including missiles and tor-
15 pedoes, \$165,500,000.

16 (3) For other procurement, \$30,800,000.

17 (b) MARINE CORPS.—Funds are hereby authorized to
18 be appropriated for fiscal year 2006 for the procurement
19 account for the Marine Corps in the amount of
20 \$89,200,000.

21 (c) NAVY AND MARINE CORPS AMMUNITION.—Funds
22 are hereby authorized to appropriated for fiscal year 2006
23 for the procurement account for ammunition for the Navy
24 and the Marine Corps in the amount of \$104,500,000.

1 **SEC. 1405. AIR FORCE PROCUREMENT.**

2 Funds are hereby authorized to be appropriated for
3 fiscal year 2006 for the procurement accounts for the Air
4 Force in the amounts as follows:

5 (1) For aircraft, \$104,700,000.

6 (2) For other procurement, \$51,900,000.

7 **SEC. 1406. OPERATION AND MAINTENANCE.**

8 Funds are hereby authorized to be appropriated for
9 fiscal year 2006 for the use of the Armed Forces for ex-
10 penses, not otherwise provided for, for operation and
11 maintenance, in amounts as follows:

12 (1) For the Army, \$22,139,775,000, of which
13 \$200,000,000 may be made available for linguistic
14 support operations in Iraq and Afghanistan.

15 (2) For the Navy, \$1,944,300,000.

16 (3) For the Marine Corps, \$1,808,231,000.

17 (4) For the Air Force, \$2,635,555,000.

18 (5) For Defense-wide activities,
19 \$3,470,118,000.

20 **SEC. 1407. DEFENSE HEALTH PROGRAM.**

21 Funds are hereby authorized to be appropriated for
22 the Department of Defense for fiscal year 2006 for ex-
23 penses, not otherwise provided for, the Defense Health
24 Program, in the amount of \$977,778,000, for operation
25 and maintenance.

1 **SEC. 1408. MILITARY PERSONNEL.**

2 Funds are hereby authorized to be appropriated to
3 the Department of Defense for military personnel ac-
4 counts for fiscal year 2006 in amounts as follows:

5 (1) For military personnel of the Army,
6 \$9,517,643,000.

7 (2) For military personnel of the Navy,
8 \$350,000,000.

9 (3) For military personnel of the Marine Corps,
10 \$811,771,000.

11 (4) For military personnel of the Air Force,
12 \$916,559,000.

13 **SEC. 1409. IRAQ FREEDOM FUND.**

14 (a) IN GENERAL.—Funds are hereby authorized to
15 be appropriated for fiscal year 2006 for the Iraq Freedom
16 Fund in the amount of \$4,325,670,000.

17 (b) LIMITATION ON AVAILABILITY OF CERTAIN
18 AMOUNT.—Of the amount authorized to be appropriated
19 by subsection (a), not less than \$500,000,000 shall be
20 available only for support of activities of the Joint Impro-
21 vised Explosive Device Task Force.

22 (c) TRANSFER.—

23 (1) TRANSFER AUTHORIZED.—Subject to para-
24 graph (2), amounts authorized to be appropriated by
25 subsection (a) may be transferred from the Iraq
26 Freedom Fund to any accounts as follows:

1 (A) Operation and maintenance accounts
2 of the Armed Forces.

3 (B) Military personnel accounts.

4 (C) Research, development, test, and eval-
5 uation accounts of the Department of Defense.

6 (D) Procurement accounts of the Depart-
7 ment of Defense.

8 (E) Accounts providing funding for classi-
9 fied programs.

10 (F) The operating expenses account of the
11 Coast Guard.

12 (2) NOTICE TO CONGRESS.—A transfer may not
13 be made under the authority in paragraph (1) until
14 5 days after the date on which the Secretary of De-
15 fense notifies the congressional defense committees
16 in writing of the transfer.

17 (3) TREATMENT OF TRANSFERRED FUNDS.—
18 Amounts transferred to an account under the au-
19 thority in paragraph (1) shall be merged with
20 amounts in such account, and shall be made avail-
21 able for the same purposes, and subject to the same
22 conditions and limitations, as amounts in such ac-
23 count.

24 (4) EFFECT ON AUTHORIZATION AMOUNTS.—A
25 transfer of an amount to an account under the au-

1 thority in paragraph (1) shall be deemed to increase
2 the amount authorized for such account by an
3 amount equal to the amount transferred.

4 **SEC. 1410. TRANSFER AUTHORITY.**

5 (a) **AUTHORITY TO TRANSFER AUTHORIZATIONS.**—

6 (1) **TRANSFER AUTHORIZED.**—Upon determina-
7 tion by the Secretary of Defense that such action is
8 necessary in the national interest, the Secretary may
9 transfer amounts of authorizations made available to
10 the Department of Defense in this title for fiscal
11 year 2006 between any such authorizations for that
12 fiscal year (or any subdivisions thereof). Amounts of
13 authorizations so transferred shall be merged with
14 and be available for the same purposes as the au-
15 thorization to which transferred.

16 (2) **LIMITATION ON AGGREGATE AMOUNT.**—The
17 total amount of authorizations that the Secretary
18 may transfer under the authority of this section may
19 not exceed \$2,500,000,000.

20 (3) **CONSTRUCTION WITH OTHER TRANSFER**
21 **AUTHORITY.**—The transfer authority provided in
22 this section is in addition to any other transfer au-
23 thority available to the Secretary of Defense.

24 (b) **OTHER LIMITATIONS.**—The authority provided
25 by this section to transfer authorizations—

1 (1) may only be used to provide authority for
2 items that have a higher priority than the items
3 from which authority is transferred;

4 (2) may not be used to provide authority for an
5 item that has been denied authorization by Con-
6 gress; and

7 (3) may not be combined with the authority
8 under section 1001.

9 (c) NOTICE AND WAIT.—A transfer may be made
10 under the authority of this section only after the Sec-
11 retary—

12 (1) consults with the Chairmen and Ranking
13 Members of each of the congressional defense com-
14 mittees with respect to such transfer; and

15 (2) on a date after consultation under para-
16 graph (1), but not later than five days before the
17 date of such transfer, submits to the congressional
18 defense committees written notice of such transfer.

19 (d) EFFECT ON AUTHORIZATION AMOUNTS.—A
20 transfer made from one account to another under the au-
21 thority of this section shall be deemed to increase the
22 amount authorized for the account to which the amount
23 is transferred by an amount equal to the amount trans-
24 ferred.

Calendar No. 103

109TH CONGRESS
1ST Session
S. 1043

A BILL

To authorize appropriations for fiscal year 2006 for military activities of the Department of Defense, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes.

MAY 17, 2005

Read twice and placed on the calendar